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Bengal Legislative Council

Forty-eighth Session, 1936

13th, 14th, 16th to 20th, 23rd to 27th and
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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

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F

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G

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J

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K

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*Deputy President, Bengal Legislative Council.

L

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M

Maguire, Mr. L. T. (Anglo-Indian.)
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N

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P

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Q

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R

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S

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T

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W

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Walker, Mr. W. A. M. (Indian Jute Mills Association.)
Woodhead, the Hon'ble Sir John, K.C.S.I., C.I.E. (Member, Executive Council.)
Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 13th March, 1936, at 3 p.m.

Present.

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 94 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Noakhali Krishak Samity.

*41. **Maulvi MUHAMMAD FAZLULLAH:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether some members of the Noakhali Krishak Samity in the Begamganj, Senbagh, Ramganj and Lakshmipur police-stations have been ordered to enrol themselves as special constables?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) the reasons for issuing such orders of enrolment;

(*ii*) the names and addresses of persons upon whom the orders were served;

(*iii*) the date when the orders were first served; and

(*iv*) the dates of the service of subsequent orders, if any?

(*c*) Is it a fact that those persons were compelled to work even after the expiry of the period for which the orders were issued?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons?

(*e*) Will the Hon'ble Member be pleased to state whether the Krishak movement has been declared unlawful anywhere within the province, specially in the districts of Noakhali and Tippera?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Member be pleased to state the names of the district or districts where the movement has been declared unlawful and the reasons thereof?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) Yes.

(*b*) (*i*) The local police were unable to supply sufficient men to deal with the crime situation.

(*ii*) to (*iv*) A statement is laid on the Library table.

(*c*) No.

(*d*) Does not arise.

(*e*) and (*f*) The Krishak movement as such has not been declared unlawful in any district.

Crop failure in a certain area of the 24-Parganas Sunderbans area.

*42. **Mr. P. BANERJI:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that there has been almost total failure of paddy crops this year in the areas of lots Nos. 6, 7, 3 and 2 of the Sunderbans in the Kakdwip police-station of the Diamond Harbour subdivision; and

(*ii*) that an acute economic distress prevails there?

(*b*) If the answer to (*a*) is in the affirmative, what steps, if any, are the Government going to take for the relief of the distressed?

(*c*) Is the Hon'ble Member aware that more than 90 per cent. of the population of the said areas are *bhagchashis* and that there has been a loss of more than 80 per cent. of the normal crops this year?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) (*i*) and (*ii*) There has been a partial failure of the winter rice crop in the area causing some distress. No report of acute distress has been received.

(*b*) A sum of Rs. 40,000 has been allotted to the Collector of the 24-Parganas for agricultural loans and a portion of this amount will be distributed in this area, if necessary. The District Board has allotted Rs. 500 for the Kakdwip road which is being taken up as a test work.

(*c*) The number of *bhagchashis* in the area is not known. The loss of the winter rice crop this year is about 75 per cent. of the normal.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state the cause of the partial failure of the crop?

The Hon'ble Sir BROJENDRA LAL MITTER: Unequal distribution of rainfall.

Mr. P. BANERJI: Was it the only cause? Or was it due to the breach of the embankment for over 16 miles?

The Hon'ble Sir BROJENDRA LAL MITTER: I ask for notice of that question.

Detenu Sudhir Kumar Ghose of Khulna.

*43. **Babu SUK LAL NAG:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether—

(*i*) Babu Sudhir Kumar Ghose, B.A., son of Babu Paresh Nath Ghose, of Bahirdia, Khulna district, is a detenu in the Deoli Detention Camp for the last 5 years;

(*ii*) it is true that his father receives Rs. 15 only per month ar allowance; and

(*iii*) it is true that his father has applied to the Government that he is subject to periodical fits of insanity for the detention of his son and he is encumbered with heavy debt and praying for relief from his debt?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, are the Government considering the desirability of helping Sudhir Babu's father in relieving him of debt?

(*c*) In any case, are the Government considering the desirability of increasing the father's allowance?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) He has been detained at Deoli for less than three years.

(*a*) (*ii*) and (*iii*), (*b*) and (*c*) Government are not prepared to give the information asked for in these questions.

Khas Mahal lands in Noakhali.

*44. **Maulvi MUHAMMAD FAZLULLAH:** (*a*). Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) how many circles are there under the Noakhali *khas mahal;*

(*ii*) how many certificate cases have been started in each of the years and circles from 1929-30 to 1934-35 and up to the 31st January, 1935-36;

(*iii*) how many cases are ready for institution;

(*iv*) in how many cases each year and each circle the claims have been realised by—

(*1*) sale of movables;

(*2*) sale of holdings in auction;

(*3*) purchase of holdings by Government for 3 pies; and

(*4*) purchase of holdings by private bidders in full satisfaction of the claims?

(*b*) Is it a fact that private bidders are not allowed even if their bids are more than 20 times that of the Government bid?

(*c*) Is it a fact that in all the circles unculturable fallow lands were settled on nominal progressive scale of rent and *salami* and full rent and *salami* were charged after the expiry of the period?

(*d*) If the answer to (c) is in the affirmative, will the Government be pleased to state the reasons for the violation of the circulars and orders of the Board?

(*e*) Is it a fact during the last Petty Settlement Operations—

(*i*) that a large quantity of those lands were found fallow and unculturable and rent was reduced;

(*ii*) that in some cases certificate cases have been filed up to 1341 B.S. and in others up to the half-yearly demand of 1342;

(*iii*) that in several cases the *khas mahal tahsildars* and peons attach paddy and other movables without any attachment notice (D.W.) and sell them at a nominal price on the spot; and

(*iv*) that the number of certificate proceedings have been increased in recent years?

(*f*) If the answer to (*e*)(*iv*) is in the affirmative, will the Hon'ble Member be pleased to state the percentage of increase, year by year?

(*g*) Is the Hon'ble Member aware that owing to the settlement of unculturable fallow lands on progressive scale of rent and *salami*, failure of crops, fall in the price of agricultural commodities, cattle deaths, the tenants have been in default leading to an increase in certificate cases?

(*h*) If the answer to (*g*) is in the affirmative, are the Government considering the desirability of withdrawing the cases already started and of stopping—

(*i*) further settlement of unculturable fallow lands; and

(*ii*) realisation of rent and *salami* for unculturable fallow lands till they become fit for cultivation;

(*iii*) further institution of certificate cases; and

(*iv*) realisation of rent and *salami* by easy instalments till the condition of the country improves?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) Four circles.

(*ii*), (*iii*) and (*iv*) A statement is laid on the Library table.

(*b*) No.

(*c*) Some 6 or 7 years ago when tenants were clamorous for land, land not then fit for cultivation was settled in some islands.

(*d*) No orders of the Board have been violated.

(*e*) (*i*), (*ii*) and (*iv*) Yes.

(*iii*) No.

(*f*). A statement is laid on the table.

(*g*) Practically all the tenants of the *khas mahals* have been seriously in default. There are many reasons for this. Cases of real inability to pay rent have been treated liberally.

(*h*) No.

(*i*) Orders have been passed to this effect.

(*ii*) Not unless the tenant surrenders.

(*iii*) No.

(*iv*) Yes, when circumstances demand it.

Statement referred to in the reply to clause (f) of starred question No. 44.

				Per cent.
1929-30 to 1930-31	...	...	...	74
1930-31 to 1931-32	...	...	...	14
1931-32 to 1932-33	...	...	...	11
1932-33 to 1933-34	...	...	...	96
1933-34 to 1934-35	...	...	...	28 (Decrease).
1934-35 to 1935-36	...	...	...	50 (Increase).

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: With reference to answer (*c*), will the Hon'ble Member be pleased to state whether any *salami* has been realised for settling out the uncultivable lands or lands unfit for cultivation?

The Hon'ble Sir BROJENDRA LAL MITTER: Yes, Sir.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: With reference to answer (*h*) (*ii*), will the Hon'ble Member be pleased to say whether the Government are willing to return those *salamis* if the tenants surrender their lands?

The Hon'ble Sir BROJENDRA LAL MITTER: The facts are these: The tenants were very clamorous for land at boom time and they took settlement of lands which were expected to be cultivable, but which had not actually risen above water. Knowing that, they took settlement, and then naturally Government demanded rent; but when they said they were not in possession of the land, Government said—Very well, you surrender, and no rent will be payable. But they refused to surrender; that is the state of things which has been going on.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state whether Government are willing to remit the arrears of rent if the tenants surrender the land?

The Hon'ble Sir BROJENDRA LAL MITTER: No, Sir, not arrears.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: Is the Hon'ble Member aware that in to-day's *Advance* a report has been published saying that ten deaths occurred in Hatya within this *khas-mahal* area?

The Hon'ble Sir BROJENDRA LAL MITTER: No, Sir, I am not aware of that.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to make an enquiry into this matter?

The Hon'ble Sir BROJENDRA LAL MITTER: I shall certainly make enquiries.

Sale of estates in Birbhum and Murshidabad.

***45. Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*a*) the number of defaulters for the last June and September *kists* and the amount of default respectively for those *kists* in the district of Murshidabad and Birbhum;

(*b*) the number of estates that have been sold and the amount for which sale took place for the abovementioned *kists* in the abovementioned districts;

(*c*) whether any estate had been purchased by the Government; if so, the amount for which it has been purchased;

(*d*) whether there was any balance due to Government towards revenue after adjusting the sale-proceeds; what is the total amount; and

(*e*) have the Government relinquished their claims for the balance of the revenue where the estate had been purchased by Government?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*), (*b*), (*c*) and (*d*) A statement is laid on the Library table.

(*e*) No.

Old Benares Road.

*46. **Babu JITENDRALAL BANNERJEE:** (*a*) With reference to the reply given on the 12th December, 1935, to my starred question No. 23 (*a*) and (*b*), will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether he has obtained the views of the Hooghly District Board, the Commissioner of the Burdwan Division and the Special Officer for Road Development Projects as regards the metalling and improvement of the Chanditala-Champadanga section of the old Benares road? If so, will he be pleased to state what these views may be?

(*b*) Is it a fact that the Hooghly District Board has written to the Government urging the immediate necessity of improving and metalling the road in question and undertaking the maintenance charge of the road when improved?

(*c*) Is it also a fact that the Commissioner of the Burdwan Division has endorsed the opinion of the District Board as regards the immediate necessity of taking up the improvement of this road?

(*d*) Will the Hon'ble Minister inform the House as to when it will be possible to take up the improvement of the road?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) The Special Officer, Road Development Projects, has already undertaken investigation of this particular project. Reference to the District Boards of Hooghly and Howrah and the Commissioner of the Burdwan Division will be made shortly.

(*b*) Yes.

(*c*) No.

(*d*) The work cannot be taken up until the opinions of the different interested bodies are received and examined and the scheme is sanctioned by the Local Government and the Government of India.

Babu JITENDRALAL BANNERJEE: With reference to answer (*c*), has the Commissioner of the Burdwan Division submitted any opinion on the question?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Babu JITENDRALAL BANNERJEE: Will there be much delay in taking up the project now?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The matter is under examination.

Noabad taluks and jotes in Chittagong.

***47. Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) what is the total amount of abatement and remission of revenue or rent of Noabad *taluks* and *jotes* in Chittagong by the Special Officer appointed by the Government;

(*ii*) what is the abatement and remission of rent annually; and

(*iii*) what is the remission and abatement of annual revenue or rent in each of the *khas mahals* in Chittagong.

(*b*) Has the Government reduced the revenue or rent of actual and poor cultivators?

(*c*) What is the number of Noabad *taluks* and *jotes* in Chittagong, the revenue and rent of which is above Rs. 10 and below Rs. 10 separately.

(*d*) Has the revenue or rent of Noabad *taluks* and *jotes* below Rs. 10 been considered and remitted by the Special Officer?

(*e*) Is the Government aware that owing to excessive assessment in the revisional survey the number of *mahals* sold in revenue sale rents are below Rs. 10.

(*f*) Are the Government considering the abating or remitting revenue or rent of *taluk* and *jotes* below Rs. 10.

(*g*) If not, what is the reason?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) Rs. 5,15,875.

(*ii*) Rs. 1,07,728.

(*iii*) Sadar Rs. 7,541, Patiya Rs. 5,789, Rouzan Rs. 2,701, Satkhania Rs. 12,905, Kutubdia Rs. 16,823 and Cox's Bazar Rs. 61,969.

(*b*) The reduction of rent has benefited actual cultivators but no distinction has been made between poor cultivators and others.

(*c*) The information is not readily available and cannot be collected without an expenditure of time, labour and money which Government would not feel justified in incurring.

(*d*) The special officers have examined the assessment of Noabad tenures with a rent of Rs. 10 and above and of *raiyati* holdings with a rent of more than Rs. 2.

(*e*) During the current financial year 539 tenures with a rent not exceeding Rs. 10 and 376 tenures with a rent exceeding Rs. 10 in each case have been sold.

(*f*) No.

(*g*) Because Government do not consider that any abatement or remission is called for.

(Haji Badi Ahmed Chowdhury put a few supplementary questions, the following being an English translation of them.)

Haji BADI AHMED CHOWDHURY: After years of petitioning Government have at last come to realize the true situation in the country and have granted to the big *zemindars* and *talukdars* of Chittagong an annual abatement of revenue to the extent of more than one lakh of rupees and another five lakhs and more by way of remission of arrears of rents for the last five years. But why has no relief been given to those poor cultivators in the country who are, as it were, the very backbone of society and pay an amount of rents below Rs. 10 and whose holdings are just enough to be managed with a pair of cattle and a plough?

The Hon'ble Sir BROJENDRA LAL MITTER: The reason is that we have no power to go into the matter of these small tenants, because these tenancies were mainly created by contract and we have no power: it rests with the *talukdars* to give relief if relief is called for.

Haji BADI AHMED CHOWDHURY: Why is it that no remission of rents has been granted to those *talukdars* who hold *taluks* with a rental of Rs. 10 only under the direct possession of the Government, as also, to the holders of similar *jotes*? Is there any chance of their rents being remitted immediately?

Mr. J. B. KINDERSLEY: Relief is being given where it is justified; but the *talukdar* where he gets a much lower rate of rent, gives a minimum of 30 per cent.

Haji BADI AHMED CHOWDHURY: I wish the answer to be given in Bengali, as I could not understand what was said by Secretary, Mr. Kindersley.

The Hon'ble Sir BROJENDRA LAL MITTER: May I suggest that if the hon'ble member will come and see me, I shall get Mr. Kindersley there and be glad to explain to him the position.

Mr. PRESIDENT: Haji Sahib, I think you better take all your supplementary questions to the Hon'ble Member.

Travelling allowances of jurors.

***48. Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that in the district of Mymensingh jurors belonging to respectable classes are allowed only third class single journey fares although those gentlemen are accustomed to travel not below the inter-class?

(*b*) Whether it is a fact that in the district of Mymensingh jurors are not paid any halting for any holiday intervening during the period of hearing in sessions cases and consequently jurors coming from long distances who cannot return home suffer great loss?

(*c*) Whether as a consequence of the state of things referred to in (*a*) and (*b*) above, many middle class gentlemen whose names were entered in the Jury List are getting their names struck out on various pretexts to the detriment of public justice?

(*d*) If the answers to (*a*), (*b*) and (*c*) are in the affirmative, are the Government considering in what manner they will remedy this state of things?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) Special jurors are paid return inter-class fares and common jurors return third class fares.

(*b*) The rule on the subject does not admit payment of daily allowance for a holiday.

(c) No such thing was noticed at the recent revision of the Jury List.

(*d*) Does not arise.

Administrative work of Judicial Officers.

*49. **Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware—

(*i*) that owing to the recent issue of Rules and Circulars by the Hon'ble High Court, Judicial Officers, particularly the munsifs, are compelled to spend a portion of their time in works of supervision of administrative works; and

(*ii*) that consequently the time for judicial works in court has been curtailed?

(*b*) If the answer to (*a*) is in the affirmative, what steps, if any, do the Government propose taking to prevent the deterioration of judicial works as a result of the such preoccupations of the munsifs?

(*c*) Are the Government considering the desirability of—

(*i*) attaching special officers to munsifs' courts for the purpose of supervising administrative works leaving the munsifs free to devote themselves to judicial works; and

(*ii*) requesting the High Court to call for a report from the munsifs as regards the proportion of time given by them to judicial and to administrative works, respectively?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) Judicial Officers have always been required to perform duties of supervision and have invariably had certain administrative functions in relation to their own offices. These duties and functions were prescribed in the former General Rules and Circular Orders and have been reaffirmed in the new Civil Rules and Orders.

(*ii*) The member is referred to rules 2 and 4, Chapter I, of the Civil Rules and Orders, from which it will be clear that departmental and administrative work must in no circumstances interfere with judicial work.

(*b*) Does not arise.

(*c*) (*i*) and (*ii*) No.

Vending excise shops.

*50. **Mr. B. C. CHATTERJEE:** (*a*) Will the Hon'ble Minister in charge of the Revenue (Excise) Department be pleased to state—

(*i*) whether in the matter of settling excise licences, Government adhere to their declared policy of "one man one shop"; and

(*ii*) whether the aforesaid policy was formulated with the express idea of providing the greatest number of individuals with excise licences with a view to reducing unemployment in this province?

(*b*) If answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state whether the Excise Department are at present contemplating a departure from the said policy of Government in the case of any particular firm or individual? If so, for what reasons?

MINISTER in charge of REVENUE (EXCISE) DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) As a general rule.

(*ii*) Yes. Partly.

(*b*) Government reserved the right to make exceptions where such exception seemed desirable.

Babu JITENDRALAL BANNERJEE: Has the Hon'ble Minister any idea of the number of cases in the Calcutta area where licenses for more than one shop have been granted to one and the same individual?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, I think there are altogether 10 individuals and firms holding more than one shop in Calcutta.

Babu JITENDRALAL BANNERJEE: And in some of these cases is it not a fact that the same individual holds more than half-a-dozen licenses?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am not aware of that.

Babu JITENDRALAL BANNERJEE: Has the Hon'ble Minister any suspicion that the exception mentioned by him in answer (*b*) is going to be the rule?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Partially excluded areas of Mymensingh.

***51. Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) (*i*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether it is proposed to include a part of the district of Mymensingh in the list of areas to be partially excluded by Order-in-Council under the provisions of section 91 of the Government of India Act, 1935?

(*ii*) If the answer to (*a*) (*i*) is in the affirmative, which part or parts of the district are to be partially excluded?

(*b*) (*i*) Will the Hon'ble Member be pleased to state what is the reason for such partial exclusion?

(*ii*) Will the Hon'ble Member be pleased to say how many Garos and other Aboriginals there are in the Mymensingh district; and also the population of Bengali Hindus and Mussalmans?

(*iii*) Will the Bengali Hindus and Mussalmans in the partially excluded areas also be affected?

(*iv*) What is the number of Bengali Hindus and Muhammadans who will be so affected?

(*v*) How many Garos and other Aboriginals are there in the partially excluded area?

(*c*) (*i*) Will the Hon'ble Member be pleased to lay on the table a copy of correspondence that passed between them and the Government of India on the subject.

(*ii*) Have the partially excluded areas been included in the Order-in-Council on the recommendation of the Government of Bengal?

(*d*) Are the Government considering the desirability of taking steps to communicate to the Government of India and Secretary of State the public discontent among the vast majority of the population of the district of Mymensingh caused by the proposal to partially exclude a part of the district?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) (*i*) Yes.

(*ii*) The following police-stations only:—Dewanganj, Sribardi, Nalitabari, Haluaghat, Durgapur and Kalmakanda.

(*b*) (*i*) and (*ii*) It will be seen from the papers laid on the table in answer to question (*c*) (*i*) that the reason for the partial exclusion of part of Mymensingh is the presence of Garos.

The following figures taken from the Census Report of 1931, show the number of Garos and other Aboriginals in the Mymensingh district and also the population of Bengali Hindus and Mussalmans:—

Garos	34,286
Other Aboriginals	20,168
Total Hindus	1,174,328
Total Muhammadans	3,927,552

(*iii*) This will depend on the action that may be taken hereafter by virtue of the fact that the area is partially excluded.

(*iv*) The numbers in the area affected are as follows:—

Hindus	146,277
Muhammadans	362,936

(*v*) Precise figures are not available; but it is known that most of the Garos in the Mymensingh district live in the areas bordering on Assam.

(*c*) (*i*) and (*ii*) A copy of the draft Schedule, as originally presented to the House of Commons, and a publication containing a Reprint of the Recommendations of Provincial Governments and of the Government of India on Excluded and Partially Excluded Areas, are laid on the Library table. The original proposals of the Local Government and the recommendations of the Government of India will be found among these papers.

(*d*) The Local Government have already communicated their views to the Government of India and the Secretary of State and do not think that further representations would be likely to serve any useful purpose.

Babu SATISH CHANDRA RAY CHOWDHURY: With reference to answer (*b*) (*iii*), will the Hon'ble Member be pleased to state whether these over 5 lakhs of Hindus and Muhammadans will be under the same kind of administration as the 34,000 Garos?

The Hon'ble Sir ROBERT REID: Yes, Sir.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether it is not a fact that these Hindus and Muhammadans were so long under the same kind of administration as the rest of Bengal?

The Hon'ble Sir ROBERT REID: I think that is quite well known.

Babu SATISH CHANDRA RAY CHOWDHUARY: Is it not a fact that the Garos referred to all live on the plains along with the Hindus and Muhammadans and that most of them are Christians and are fairly well educated?

The Hon'ble Sir ROBERT REID: I understand that they are all mixed up with the other inhabitants of area: as to their religious proclivities, I am sorry I have no information.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether there are Garos who live in the plains which are far away from the hills and there are Garos who live in the Garo Hills?

The Hon'ble Sir ROBERT REID: I do not quite understand the purpose of the hon'ble member's question. I am aware that certain Garos live in the the Mymensingh district and certain Garos live in the Garo Hills.

Babu SATISH CHANDRA RAY CHOWDHURY: Is it not a fact that the Garos in these thanas including others who live in the plains are distinct from the Garos who live in the hills?

The Hon'ble Sir ROBERT REID: I think there are Garos who live in the hills and there are Garos who live in the plains of Bengal. Is that what the Hon'ble Member refers to?

Babu SATISH CHANDRA RAY CHOWDHURY: Are not the Garos who live in the Mymensingh plains quite distinct from the Garos who live in the Assam Garo Hills in point of culture, education, etc?

The Hon'ble Sir ROBERT REID: I have no information on the point.

Babu JITENDRALAL BANNERJEE: The Hon'ble Member will find from his own figures that the Garos form less than 10 per cent. in the partially excluded areas.

The Hon'ble Sir ROBERT REID: That is a matter of arithmetic, Sir.

Babu JITENDRALAL BANNERJEE: Then, does it not follow that 90 per cent. of the population is going to be disenfranchised because of the presence of the 10 per cent. Garos?

The Hon'ble Sir ROBERT REID: They are not necessarily going to be disenfranchised.

Babu JITENDRALAL BANNERJEE: Does he mean that there will be one rule for the Hindus and Muhammadans and another for the Garos in the same area?

The Hon'ble Sir ROBERT REID: No, Sir.

Babu SATISH CHANDRA RAY CHOWDHURY: Is it not known to the Hon'ble Member that the Hatias and Hatis have adopted the customs and manners of the Hindus and have been living in the midst of the Hindu and Muhammadan population?

The Hon'ble Sir ROBERT REID: I am prepared to accept the Hon'ble Member's statement.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member communicate the views of the House and of the public in the matter to the Government of India and to His Majesty's Government?

The Hon'ble Sir ROBERT REID: I am not aware that the House has expressed any views on the subject.

Babu SATISH CHANDRA RAY CHOWDHURY: Is it not a fact that the Government of Bengal have received memorials from the Hindus and Muhammadans of those localities?

The Hon'ble Sir ROBERT REID: Yes, Sir.

Babu SATISH CHANDRA RAY CHOWDHURY: Then will he be so good as to communicate the substance of those memorials to the Government of India and to His Majesty's Government?

The Hon'ble Sir ROBERT REID: Government will consider the point.

Maulvi ABDUL HAKIM: Is it not a fact that these Garos and other aboriginals know Bengali and have no difficulty in dealing with the Bengali people, nor do they feel any difficulty in taking their litigations to the existing law courts?

The Hon'ble Sir ROBERT REID: It has not been brought to the notice of Government that any such difficulties exist.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Howrah Bridge Road Approach Improvement scheme.

16. Mr. W. H. THOMPSON: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state when it is expected that sanction will be accorded to Calcutta Improvement Trust Scheme No. XLV—Howrah Bridge approach road from Dalhousie Square to Canning Street?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Orders will be issued shortly.

Siliguri-Darjeeling Motor Service.

17. Mr. A. RAHEEM: (*a*) Is the Hon'ble Member in charge of the Police Department aware of the restrictions recently put on the taxi-owners for motor services between Siliguri and Darjeeling?

(*b*) If the answer to clause (*a*) be in the affirmative, will the Hon'ble Member be pleased to state which authority has imposed those restrictions?

(*c*) If by the Darjeeling Municipality or any other local authority there, has it been done with the consent of, or in consultation with, the Local Government?

(*d*) Is the Hon'ble Member aware that owing to those restrictions, the number of taxis have been considerably reduced, and people are now forced to travel by railway trains against their will and at the cost of great inconvenience to themselves?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) Yes.

(*b*) and (*c*) Having regard to all the circumstances of the case Government have decided that the number of taxis to be allowed to ply on the route in question should be 60, which number is to be reached by the process of non-replacement of vehicles becoming unfit for service.

(*d*) Government do not think that this restriction has caused or is likely to cause any widespread inconvenience to the public.

Civil Court Amins.

18. Babu SATISH CHANDRA RAY CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether his attention has been drawn to the recent rules and circulars issued by the Hon'ble the High Court of Judicature at Fort William in Bengal regarding commission for local investigation (rules 312-323, Civil Rules and Orders, Volume I, 1935)?

(*b*) If the answer to (*a*) is in the affirmative, is it a fact that the said rules and circulars have thrown out of employment about 200 civil court commissioners in Bengal who had so long been maintaining their families out of income derived from this source?

(*c*) Is it a fact that many of these *amin* commissioners were working for 20 or 25 years and are too old now to find employment in any other sphere and are therefore faced with starvation for their families if deprived of this only means of livelihood?

(*d*) Is it also a fact that owing to the paucity of qualified lawyers immediately available, the work of local investigation is suffering in many courts and that the administration of justice is being hampered?

(*e*) If the answers to question (*b*), (*c*) or (*d*) above be in the affirmative, will the Hon'ble Member be pleased to state whether he is considering the desirability of recommending to the Hon'ble High Court

to retain the services of the civil court *amins* who had been so long working in the civil courts, precluding new entrants and thus gradually replacing them by qualified lawyers?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) Yes.

(*b*) The number of persons who in the past have acted as civil court commissioners and who have been adversely affected by the new rules is not known.

(*c*) There are not very many *amin* commissioners who have been working as such for 20 or 25 years and it is not known to what extent they are affected financially by loss of court work.

(*d*) No.

(*e*) Does not arise.

Civil court clerks in East and West Bengal.

19. Babu SATISH CHANDRA RAY CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether there is a difference of scale of works of the clerks of the Munsifs' Courts in the Eastern and Western Bengal districts of Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether there is at present any justification for the existence of this difference?

(*c*) Is it in the contemplation of Government to equalise the scale by reducing the works of the clerks of the Eastern Bengal districts?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) The methods of calculation of the appropriate staffs for the respective districts are different in East Bengal and West Bengal.

(*b*) and (*c*) The question of introducing a uniform method of calculation is under consideration.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1936-37.

DEMAND FOR GRANT.

5—Land Revenue.

The Hon'ble Sir BROJENDRA LAL MITTER: I beg to move that a sum of Rs. 35,21,000 be granted for expenditure under the head "5—Land Revenue."

Motions for reduction or refusal.

Mr. AMULYA RATAN GHOSE: I beg to move that the demand of Rs. 1,47,000 under the head "5A—Charges of administration—Land acquisition establishment" be reduced by Rs. 100 (delay in land acquisition).

Sir, the object of my tabling this motion is to draw the attention of Government to the fact that the land acquisition procedure is a very dilatory one and that it takes a very long time to effect land acquisition. I have experience of land acquisition affairs of the Municipality of Howrah, where they propose to send plans to the Land Acquisition Department of Government for acquisition of certain areas for the improvement of the municipal town; but due to the awful delay in the process of land acquisition, the object of these schemes was defeated. Sir, the land acquisition procedure takes such a long time that actually the improvement work of the municipality is much hindered. It is for this reason that this motion has been brought before the House. Sir, if the land acquisition cases are disposed of speedily, then the schemes for the improvement of the town can also be speedily done. But as these cases are awfully delayed, the improvement work taken up by the municipality is also too much delayed and it becomes impossible to do any improvement work at all. I do not think there is any necessity of multiplying instance after instance where delays have occurred. But delays occur—so much as 3, 4, or 5 years for a case of land acquisition. In view of that, Sir, I have brought this motion, and if I get an assurance from the Hon'ble Member in charge of the department that these delays will be minimised, then I shall not have the least difficulty in withdrawing this motion.

The Hon'ble Sir BROJENDRA LAL MITTER: The Hon'ble Member will realise that a certain amount of delay is inevitable, because notices have to be given, objections heard, and so on. Now, such delay is due to the law now in force. It is not due to any defect in the administration of the Land Acquisition Act. Now, so long as the law is not changed and remains what it is, this kind of delay cannot be avoided. But if the Hon'ble Member's complaint is that in the administration of the Act the officer concerned causes delay, certainly if any such case is brought to the notice of Government, we shall take every possible step towards expedition. But delay incidental to the law cannot be avoided.

The motion was then, by leave of the House, withdrawn.

Maulvi TAMIZUDDIN KHAN: Sir, I beg to move that the demand of Rs. 1,47,000 under the head "5A—Charges of administration—Land acquisition establishment" be reduced by Rs. 100 (possibilities of i[illegible] income in the Land Revenue Department).

The question that I want to raise is whether any increment is possible in the land revenue income of this province. It is an admitted fact that the problem of all problems in Bengal is now its depleted treasury. That is a question that should engage the attention of all public men under the present circumstances. Sir, the House will remember that during his Budget speech the Hon'ble Finance Member stated very frankly that the standard of expenditure in Bengal was lower than that of any other province in India. It is an irony of fate that Bengal which is the most populous and which is also the most fertile province in the Indian Empire, in so far as its income is concerned, is the poorest province of all. Now, what is the reason for Bengal's poverty. It is said almost on all hands that the inequitous Meston Award is responsible for all the financial difficulties of Bengal. I admit, Sir, and everyone admits that the Meston Settlement is certainly responsible for a good deal of the financial difficulties of our province, but is all the blame to be laid at the door of that financial settlement? I think not. There are other things as well that are responsible for this abject conditon of our province. In order to get the correct view of the real situation as compared with the other provinces, I should like to show how our province stands in respect of certain other major provinces as far as its income from land revenue is concerned. If we look at the budgets of Bombay and Madras, we find that the budget estimate for land revenue alone for the province of Madras in the year 1934-35 was Rs. 725 lakhs and in the year 1935-36 Rs. 736 lakhs; that is, the budget estimate for land revenue alone was more than Rs. 7 crores in the years 1934-35 and 1935-36. Then so far as Bombay is concerned, the average income of that province from land revenue is about 5 crores: the budget estimate in 1933-34 was 5 crores, in 1934-35 it was 493 lakhs and in 1935-36 more than 511 lakhs. Bengal's income from land revenue scarcely exceeds 3 crores. In the face of these figures, can it be seriously said that the Meston Settlement alone is responsible for Bengal's present difficulties? I think, Sir, the Meston Setelement alone is not responsible, but what is mainly responsible for our present difficulties is Bengal's peculiar system of land settlement. It is useless to talk as an idealist, but in the present circumstances it is well known that it is almost impossible to realise the enormous resources of Bengal from—if I may use the term—the dungeon of the permanent settlement and, moreover, the walls of the prison have been made stronger by the provisions of the new Government of India Act. That being so, is there any remedy for this unfortunate situation in our province? But if we put our heads together, we may find a way out of the difficulty, provided of course Government is determined to take an initiative in the matter. The problem will, however, have to be manfully faced and not avoided, and I should like to make my own suggestions at once. The permanent settlement cannot be undone in the present circumstances all at once, but cannot Government follow the policy of gradually buying up the

permanently-settled estates? That is my definite suggestion. Sir, some of the members of the Treasury bench are laughing, but I know perfectly well the reason for their laughter. Perhaps it will be said on behalf of the Government that there is a three-fold objection to this suggestion of mine. One is perhaps that of sentiment. People who are enjoying the benefits of the permanent settlement, are looked upon with some degree of gratitude by Government, because the ancestors and the predecessors in interest of this landed aristocracy came to the help of Government at a time when help was extremely needed. Sir, I appreciate the reason for this sentiment, but I think that so far as our present *zemindars* are concerned, they are not all direct descendants of those with whom the permanent settlement was made. I think, Sir, that since 1793 the *zemindaries* in Bengal have passed into other hands in most cases and all those who are at present landed proprietors are not mostly the descendants or successors as heirs of those with whom the permanent settlement was made in 1793. Therefore, Sir, this question of sentiment does not apply with all the force with which it might have been applied in 1793 or shortly thereafter. The second objection seems to be this. Government probably thinks that it will be the height of unwisdom to do away with landed aristocracy, because Government think that the landed aristocracy is a stabilising influence and therefore is a system which is worth preserving. I think that is a fallacious idea. We have seen that some of the other provinces are doing well without this so-called stabilising influence. Madras has been doing without it for a long time, and Bombay has also been doing without it, and so also the Punjab. If those provinces can do without this influence, I do not know why Bengal cannot do without it. Then, Sir, what kind of stabilising influence has this landed aristocracy been exercising upon the conditions prevailing in Bengal? We all know that in Bengal, of all the provinces, all kinds of subversive movements have found a most congenial soil and have grown and flourished with extraordinary vigour. Therefore, the argument that this landed aristocracy should be preserved on account of its stabilising influence has no force whatsoever. Then Sir, the third and most important objection to my suggestion will be the question of practicability. It will be said that it is not practicable to buy up all these permanently-settled estates. As I have already stated, Sir, it is certainly a difficult proposition, but it is well known that Bengal *zemindars* make an enormous profit. If this profit could by some means come to Government, Government would certainly have been in a position to repay any big loan that might have been necessary to buy up these permanently-settled estates gradually. Government can easily raise a loan against the expected profit from these estates and gradually pay up that loan. So far as the present conditions are concerned, I think many of the *zemindars* will be only too glad to part with their estates at their proper market value. Therefore, no opposition is likely to come from the general body of *zemindars*. Then

there is another way of buying up these estates, that is, by buying them up gradually in involuntary sales. The number of permanently-settled estates in Bengal is, roughly speaking, about one lakh, and if we look at the figures of 1934-35 we find that as many as 1,091 permanently-settled estates were sold for arrears of revenue and of those 267 estates were purchased by Government. From that it appears that Government do not altogether disapprove the policy of buying up those estates, but so far as their purchase is concerned, they only buy those estates for which no other bidders are forthcoming. They buy generally at Re. 1 per estate at these involuntary sales. That I do not think is a wise policy. That is a policy which Government are rather compelled to adopt because no one else comes forward to purchase certain estates. But if Government adopt a deliberate policy of purchasing estates at involuntary sales, I think Government can do so easily and gradually increase their income from "Land revenue." I have explained my point clearly, and no further argument, I think, is necessary to support it.

Although Government are not inclined to adopt the policy which I have suggested to them, they are very anxious to increase their revenue under this head, and how they are doing it, is known to everyone of us. Here also a comparison with the other provinces seems to be pertinent. We have seen that the Government of Madras have been making remissions amounting to Rs. 70 lakhs a year during the last few years of economic depression prevailing in the province, whereas our Government, instead of making any remission worth the name, have been adopting all kinds of stringent measures to realise their dues. And in this connection I should like to refer to the Administration Report relating to the Land Revenue Department. That report frankly admits the stringent steps which have been taken in this connection ever since the onset of the present economic depression. At page 2 of the Land Revenue Administration Report for the year 1934-35 it runs thus:—

"By an unfortunate coincidence revisional settlement operations of land revenue in those districts where Government-owned estates are most important and lucrative, namely, Chittagong and Jalpaiguri, came to an end just about the time the severe economic depression started. Various minor operations in other districts like Noakhali, Bakarganj, Faridpur and Pabna also resulted in an increase in the rent-roll which came into effect simultaneously with the heavy fall in the price of staple food crops. The tenants, therefore, found themselves called upon to pay increased rates of rents just at the time the price of paddy had fallen from Rs. 2-8 to Re. 1 or less per month. Government has not approved of the policy of putting off the coming into effect of the revised rent-rolls for a year or two in the hope of the return of better times."

I do not know, Sir, whether there can be a more emphatic condemnation of the policy of Government than what is to be found here in their

own report. What I was going to submit is that Government is not anxious to increase its revenue from permanently-settled estates, but is anxious to raise it from temporarily-settled estates at the cost of the poor people without having any regard whatsoever for the abject condition of these men under the present circumstances. I submit that this policy of exacting as much as possible from these poor people will not ultimately pay. Sir, I have given my suggestion offhand, and I hope and expect that if the Members of Government will put their heads together, they will certainly be able to evolve a workable scheme whereby the permanently-settled estates can be gradually purchased, and that will be a measure which will be very much appreciated. If that is done, the success of the Reforms will be ensured. Otherwise, even if the Meston Settlement is done away with, even if financial justice is done to Bengal, I cannot think of a bright future before us.

Mr. SARAT KUMAR ROY: Sir, I regret to find that a section of this House is keen and persistent in their demand for unsettling the permanent settlement of Bengal. They attack it with warmth which sometimes amounts to antagonism. They even go so far as to attack the entire land system that now prevails in Bengal, since, to this land system, they attribute the so-called inelasticity of public revenues in Bengal.

Sir, it is a misfortune that I have to protest against these attacks not simply in the interest of the community I have the honour to represent here, but also because I sincerely believe that this propaganda itself is dangerous to the economic welfare of Bengal.

Sir, the opponents of the permanent settlement always forget its real usefulness, because they never care to read its history, neither do they care to look into its results. I again appeal to them and ask them to go deep into the question and look into the history of the measure and the benefit it has brought in its wake. I am sure that they will then find that this permanent settlement had not only helped early British administrators in consolidating the British Empire in India with the fixed and stable revenues of Bengal, but that the system of land tenure it has introduced has vastly helped the development of the agricultural resources of Bengal. We all know that while many Bengal *zemindars* have been ruined in meeting punctually the demand for land revenue, the tenants went on pursuing their agricultural operations profitably, and the two-thirds of the vast area of Bengal which were covered with jungles and swamps were brought under cultivation. And, Sir, to this development we owe the present prosperity of Bengal.

So, Sir, you will see that the stability of land revenue of Bengal had not only made the establishment and consolidation of the British Empire in India possible, but it has added also vastly to the economic development of this country.

Then, Sir, it is not the *zemindars* only who intercept the profit which is the difference between the rents actually paid by the cultivators to their immediate superior landlords and the revenue which the Government receive, but it is shared by numerous intermediaries which intervene between the actual tillers of the soil and the *zemindars* who pay revenue to Government. Thus, Sir, we find that a large percentage of the population of Bengal also derive substantial benefit, if not their actual bread and butter, from the land system now prevailing in Bengal. And this, Sir, I submit was gradually brought into being by the permanent settlement.

Then, Sir, when the *zemindars* first took permanent settlement from the British Government, they were assessed not only at the highest rate then prevailing, but in addition to this, they were made to pay all *abwabs* which were imposed by the predecessors of the British Government over and above the actual rent; the *zemindars* being allowed to retain only 10 per cent. as their profits at the time of the permanent settlement. As this very narrow margin hardly sufficed even to meet their costs and risks of collection, they exerted to develop their estates. Had there been no permanent settlement and therefore no incentive for their exertion for developing their estates, Bengal's development as a whole would not have been a possibility.

Then, Sir, the *raiyats* are not rack-rented. The late Revenue Member to the Government of Bengal, I mean late Sir Provash Chandra Mitter, showed by carefully collected statistics, on the floor of this House only a short time ago, that the *raiyats* do not pay as rent more than five to six per cent. of the gross income they derive from their lands, on an average.

Now, Sir, I hope I have been able to show what the permanent settlement has brought to Bengal. The British Government has been able to extend and consolidate their vast empire in India, and their revenues have been stabilised; the *zemindars* who represent a very large section of the population of Bengal, as late Sir Provash Chander Mitter has shown, have become prosperous; the intermediaries who represent a still larger percentage of population of Bengal have thrived and the agriculturists who form the largest proportion of the population have also vastly prospered and this without their being at all rack-rented.

It will, therefore, be disastrous both for the people and for the Government of Bengal if the existing land system be disturbed for the purpose of increasing income from the land revenue.

Then, Sir, I shall deal with the charge of inelasticity of land revenue due to the permanent settlement. Already two cesses, one after another, have been imposed by this House for meeting expense of primary education.

My friends who are anxious to increase the income from land revenue ought to be more than satisfied with the Bengal Development Act passed only shortly before by this House. That will, if worked judiciously, it is hoped, give a very substantial increase of income in the Land Revenue Department.

Besides, a very large proportion of the revenue of Bengal is derived from stamps. This is to a very large extent due to increase in the value of land due to the permanent settlement, directly or indirectly. Within this category also come heavy "death" duties such as for probate and succession which also depend upon increment in the value of land, due to the permanent settlement.

I therefore see no reason for grievance on the part of the mover of the motion against the fixity of land revenue in Bengal. I therefore oppose it.

Babu JITENDRALAL BANNERJEE: Sir, I am in entire and absolute agreement with the view point of Maulvi Tamizuddin Khan. But Mr. Tamizuddin is so gentle and inoffensive by nature that he did not, for fear of wounding tender susceptibilities, put all his ideas into words. To me, therefore, falls the disagreeable duty of dotting his i's and crossing his t's—of speaking out the unspoken thoughts that must have been coursing through his mind. The *zemindary* system, I hold, is the curse of the country. It has impoverished the country, it has impoverished the Government, it has rendered the provincial revenues barren and sterile, and the sooner it is done away with the better for all concerned—Government, the people, *zemindars* and tenants. The pity of the thing is that we cannot do away with it, and the new Government of India Act has made it more permanent than before. Mr. Abdul Hamid Shah, claiming to speak on behalf of the tenants said that the tenants of Bengal were not against permanent settlement. I do not know where Mr. Abdul Hamid Shah got this precious illumination from; but in so far as he claimed to speak on behalf of the tenants of Bengal, I believe he has misrepresented their views. They do not think that the abolition of the permanent settlement will be the sole remedy for all their evils but they do believe that it is a potent remedy for many of their evils.

Mr. Sarat Kumar Roy wanted to enter into a historical survey of the origin of the permanent settlement and the ruling to justify its continuance. He said that the Permanent Settlement had consolidated British rule in Bengal. Some people might say that this was a questionable boon. But whatever that might be, and even supposing that the permanent settlement was good in 1793, does it follow that it is equally good in 1935! What was good 150 years ago, may have become obsolete, redundant and superfluous now. I want Mr. Sarat

Kumar Roy to deal with the situation as it is at present and not with the situation as it might have been at the time of his great grandfather.

With the other object of Maulvi Tamizuddin Khan, I also have full sympathy. He says: "let there be more income for Government, let there be more money for the coffers of Government." I agree: but I differ entirely from him as regards the suggestion which he puts forward, namely, that Government should buy up the estates of the *zemindars*. Why should the Government incur this unnecessary expenditure? Why should they spend money in buying off the landlords' estates and pay them something—10 years' purchase, 15 years' purchase or 20 years' purchase—whatever it may be? If Mr. Tamizuddin Khan will only hold his soul in patience for some little time longer, as I am holding my soul in patience for some little time longer, he will find that, in the course of another 10 years or so, the problem will have solved itself. The time is soon coming when these *zemindaries* will not require to be purchased for a price—they will be going a begging—they will be thrown about, for anybody to catch them who can. At present you will have to pay at least 10 years' purchase; but in 10 years' time you will not be required to pay even one year's purchase. Therefore, let Mr. Tamizuddin wait. Let him not ask Government to spend good money after bad. Why should so much money go idly, uselessly into the unprofitable pockets of the landlords of Bengal—a community that has grown and flourished at the expense of the general body of taxpayers? The landholders of Bengal will disappear—of that I am quite sure—they will disappear on account of their multiplied sins in the past; but I shall be no consenting party to them being bought out at any price.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: After the speech of my hon'ble friend, Mr. Jitendralal Bannerjee, I think the House is already practically mesmerised——

Mr. PRESIDENT: I am wide awake, Nawab Sahib. (Laughter.)

Babu JITENDRALAL BANNERJEE: That is a compliment to me, Sir.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: I think some time should pass before the House is prepared to understand the other points of view of this question. I hold property directly under Government as a khas mahal tenant; I also hold property under *zemindars* as well. So, if I would give you my own opinion as a tenant both under the Government as well as the *zemindars*, I believe I

would not be misunderstood. As far as I know, in Government *khas mahals* in the district of Jalpaiguri they are assessing the tenants at the rate of Rs. 4 per acre, and the middleman, the *jotedar*, is to get just one-third profit. But I can tell the House that the crop that a poor tenant actually grows from, say, one *hal* of land consisting of 5 bighas is not more than 45 maunds of paddy. So from 5 bighas excluding the homestead land a poor cultivator cannot grow more than 45 maunds of paddy, and I challenge my friends here to contradict this statement of mine. The crop that they grow from one *hal* of land is nowadays worth only Rs. 45. They cannot grow jute on their land, because nothing can be grown, except what they could grow in the rainy season. Even sugarcane cannot be grown, because that also requires some water, and in the first few months of the year there is hardly any rainfall in that part of the country. If anybody cares to look at the statistics of rainfall in that area in the first five months of the year, that is from January to May, he will be startled to see that there is practically no rainfall there. You will find from to-day's "Statesman" that in the district of Jalpaiguri we have got just ·2 inch rain, whilst in Burdwan there have been 2 inches of rain. That is the position and you cannot grow there anything at this time of the year. They cannot grow anything but paddy, and that they can grow not more than 45 maunds. There you have charged Rs. 20 per *hal*. Do you want to reduce it? I ask my friends, who are fortunate to live in areas which are not directly under Government, if they want to have the official control—the officials who published a report that they did not care for the opinion of the people and insisted upon realising their enhanced rent from the people, although they had not got any money. I ask my friends —Do they want to convert themselves to that position? My friends do not understand how the people, who live in that God-forsaken place, suffer. So, from their point of view it would be absolutely unwise to allow the people to be directly under the oppression of the Government and to take away the *zemindars* who are actually distributing a part of their income which could otherwise have been utilised for their own purpose. That being the position, I ask my friends to consider whether they would be prepared to come under the rule of those officials who are so very shameless that they do not care for the public opinion at all. They admit that the people are unable to pay and have got no resources from which to make the payment, but still they insist on having enhancement of rent. That being the position, do my friends want to reduce them to that state of affair? As a tenant holding interest under the Government, I should say that if you would instal in place of the *zemindars* these officials who have ample power, they would put all sorts of trouble in your way just for their own end. That being the other aspect of the case, I think if my friend Maulvi Tamizuddin Khan knew the position of the

khas mahal tenants, he would not have come forward with a proposal like this. As regards the income of the present Government, it is probable that my friend Maulvi Tamizuddin Khan does not know that the revenues of Bengal do not come from one source alone. He ought to know that three-fourths of the income of Bengal are derived on account of the prosperity of the people. Take the case of excise. In order to afford to have that luxury, people must pay. Then take the case of registration. Persons making purchases have got to pay. Then the court-fees: Here also if you are more affluent, you will pay more in court-fees and stamps. As my friend Sir John Woodhead very pertinently said the other day, our revenue really depended upon the prosperity of the people. So, if you think that by abolishing the system of permanent settlement you will be able to replenish the treasury, I believe you are wrong, because the moment you do away with the permanent settlement, your cost of collection will be added to the cost of general administration. It will be an enormous amount, say another two crores, which you will have to add to the cost of general administration at the rate of 15 per cent. which is actually being incurred by Government at present for collection of rent in the estates under the Court of Wards. At present the 13 crores which is the rent of the whole of Bengal is shared not only by the *zemindars* but by the intermediaries between the *zemindars* and the people. I do not think that my friend, Maulvi Tamizuddin Khan really thought of this point. These are the points which ought to have at once struck the imagination of my friend before he would think of surrendering the people to the control of the officials from the control of the *zemindars* who are now actually keeping them free and contented. That is my opinion as a tenant, and I want to record that opinion with all the emphasis that I can command. I know my friend, Mr. Jitendralal Bannerjee, will laugh at this and that he would like to examine this question from another point of view. Well, Sir, I can only ask him to go to Jalpaiguri and actually enquire into the allegations that I have made as to whether the rent proposed is really reasonable and fair and then come back and give his fair judgment. So, that is the position, Sir, which I would ask him to see with his own eyes. As regards Maulvi Tamizuddin Khan, if he would be kind enough to look round the Muhammadan tenants in the district of Jalpaiguri and enquire from them how they are faring now at the hands of Government officials, then I have no doubt that he would come back with a better frame of mind and would speak exactly to the same tune with me and agree with me—the right man that he is—that the equilibrium of the country should not be disturbed and that the people should be kept in peace and contentment.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Sir, my friend Maulvi Tamizuddin Khan, in opening his speech, said

that the Governments of Madras and Bombay have a land-revenue income of about 7 and 5 crores respectively, whereas in Bengal it is Rs. 3,50,00,000. I am sorry, Sir, he has considered this question from only one point and has neglected to consider it from other aspects. It is known to this House that Bengal has the smallest area of the three presidencies, whereas Madras and Bombay have very large areas; and when compared with that of Bengal their respective areas would be a little less than double of Bengal. In calculating the profits derived from land-revenue, *i.e.*, the income from agriculture, the area is the greatest factor; so the area should be the main factor in considering the income from land-revenue. (MAULVI TAMIZUDDIN KHAN: And not fertility?) Fertility is, of course, one of the factors, but the area should not be left out of account; he has ignored the question of area altogether. Area is the chief factor. Under section 29 of Bengal Tenancy Act where the area of a holding is formed by measurement greater than what it was originally, the tenant is bound to pay rent at the same rate—the existing rate for the additional area—but if the fertility is increased the rent can't be enhanced by more than 2 as. in a rupee and that is once in 15 years and that with great difficulty, howsoever the fertility be increased. From this one can understand how area has a direct value in connection with the income from agricultural service.

Secondly, he has also ignored the question of expenditure. If you look at this question, you will find that in Bombay and Madras the expenditure is about 40 per cent. of the collections or even more than that. So, what comes to be the net result? The net result, even calculating the net profits, will be a sum less than that of Bengal. In Bengal the Government have not to bear any cost for management or for collection of rents or anything like that. Everything is left to the *zemindar*, and it is the *zemindar* who has to bear the expenses of the collection to pay land-revenue to Government. In Madras, for example, in case of *raiyatwari* lands, so far as I remember, the collection charge is very very high, and it sometimes goes up as high as 60 per cent. of the income. Moreover, there are other charges, for example, litigation charges, cost of rent suits, etc., which the *zemindar* in Bengal has to bear in the course of business transactions for the purpose of collecting the rents. If these estates are transferred to Government, Government will have to bear these costs; so this factor must be considered when the income is calculated.

In moving this motion Maulvi Tamizuddin Khan has made a few proposals so as to show how the income of the province can be raised. His first proposal is that Government should purchase the estates. I do not know, Sir, whether in that case he is agreeable that the fixity of the tenant's rent should also go along with the permanent settlement. The tenants now enjoy fixity of rent because there is this permanent

settlement, and if Maulvi Tamizuddin Khan's plan is that Government should purchase the estates along with it the permanent settlement will go away, and then he should be prepared for the non-fixity of the tenants' rent. Otherwise, I do not think his proposal is an honest one. It may be considered and will be worthy of consideration if he openly agrees to this state of affairs as I have mentioned. Only purchasing the *zemindary* right giving an allowance of 5 per cent. income to *zemindar* will not enhance the income. To raise the income Government should be ready with money for purchasing all the sub-interests existing between *zemindars* and the tenants. Then by statute the permanency—fixity of rents of occupancy holders—should be done with. It is then only there is some chance of enhancing the revenue of the province and not otherwise. He further says that by virtue of the permanent settlement in this country the landlords, as a class, have profited much; but at the same time he has pointed out that according to the report of the land-revenue administration about more than a thousand estates had been sold and out of this only 200 had been purchased by Government last year. But why is it so, Sir? If it be profitable, then why have the Government not purchased more of the estates? On the contrary, the very fact that Government have not purchased more than 200 estates shows that it is not a profitable business. On the other hand Government have re-settled those very estates which they had purchased, instead of making them *khas*. These two factors will surely convince the House that it is not worth while at the present moment to keep these estates in *khas* and to manage them because the cost of management and other charges are very high.

My friend Mr. J. L. Banerji has proceeded further: He has said that Government should not pay any compensation at all to the *zemindars* whose lands they take over, because he is sure that in ten years' time all these estates will after all be sold up at revenue sales, and Government need not have anything to pay. But, Sir, in the same breath he also said that landlords have made much profit by this revenue system, although earlier he had said that as landlords cannot make any profit, therefore, their estates would be sold up very soon. I, Sir, cannot find any cogency in his arguments, because he blows hot and cold with the same breath, viz., that the *zemindars* cannot make any profits and therefore their estates will ultimately have to be sold up, and then again, that they make much profit because of the permanent settlement. The House can understand the value of his argument. All that the House does realise is that he can speak very eloquently, very swiftly but with no argument to back his eloquence. I do not know, Sir, if he, as a representative of the tenants, has ever gone into their hearts for their welfare.

Sir, my friend Maulvi Abdul Hamid Shah has pictured the right aspect of the question. If the permanent settlement goes, then the

fixity of rent also goes, and the tenants will not be in a better position than now. Perhaps they will have to suffer more than they are suffering now at the hands of the new-comers.

Nawab Musharruf Hosain has already said the same thing, because he knows himself, being a tenant both under a landlord and under the Government, he knows the actual state of affairs of the tenants, and I think, Sir, persons who know the real position of the tenants cannot but say that the doing away with the permanent settlement will be a great wrong to the province.

There is another question, Sir, which Maulvi Tamizuddin Khan has raised, viz., that the Madras Government has remitted a sum of Rs. 70 lakhs on account of the prevalent economic distress. Let us go into the question of income, Sir. It comes to this: 7 crores, *minus* 70 lakhs, *minus* other costs, and how much it would come to? I can assure the House that it would not be a profitable proposition for the Government to take over the estates. Whereas owing to the existence of the permanent settlement, there will be no occasion for Government to remit a portion of the income from land revenue owing to distress. This income remains the same—however unfavourable the circumstances may appear. There is no *haza* or *sukha*. No question of remission can arise. This is another boon of the Permanent Settlement.

It has been said, Sir, that the total estimate of land-revenue in Bengal is Rs. 12 crores, and out of this Rs. 3½ crores is paid as revenue to Government. The House, generally, I mean those of its members who generally do not go deeply into these questions are apt to think that the surplus of Rs. 8 or 9 crores is enjoyed by the landlords, but that is not the case. There are the tenure-holders, the sub-tenure-holders, the tenants, and all sorts of intermediaries. From the last Land Revenue Administration Report it appears that there are 101,800 Revenue-paying Estates and the total number of land-holding units in Bengal is 61,48,709. This, if we assume that there are two persons for every revenue-paying estate and for every tenure, though as a matter of fact we find there are several co-sharer landlords, to the extent of 100 in some cases, it will come to 1,25,33,418 persons. There are rent-free holdings whose valuation has also been added to this gross rental. Their number is about 22,000 and the total cess paid by them is about one crore. Thus, if we take 2 persons for each rent-free holding, the total number will come up to 44,000 persons and the valuation is about 4 crores. Thus 5 crores of rupees are enjoyed by 12,489,418 persons. Thus their income is Rs. 4 to Rs. 5 per year. This is a matter of calculation. No question of theory will do. As the Nawab Sahib has said, the landlord, I mean the real person who pays the land-revenue demand, gets only a paltry sum out of his estate. The whole profit is divided between the tenure-holders, tenants, cultivators, and all sorts of people, including the lawyers also to a certain extent, as they come

in in connection with litigation. So, it is a wrong theory to believe that the landlords are enjoying a great boon in the shape of this Permanent Settlement and that they are making huge profits out of this system.

With these words, Sir, I oppose the motion.

Rai Bahadur SATYA KINKAR SAHANA: Mr. President, Sir, when I went through this amendment tabled by my friend, Maulvi Tamizuddin Khan, I thought that the Maulvi Sahib had touched the alchemy or the touch-stone or পরশ পাথর for increasing the income of the Land Revenue Department. Sir, after hearing his speech and the speech of Maulvi Abdul Hamid Shah—and especially that of Professor Bannerjee—I think that the enthusiasm that was surging in me for the support of this amendment has now not a drop left. Maulvi Tamizuddin Khan, who has moved this motion, has asserted that the deplorable "economical" condition of this province is due not so much to the Meston Award as to the permanent settlement. I could not understand, Sir, what he meant by the words "deplorable economical condition"—whether that condition related to the provincial revenue or to the deplorable condition of the people of this province. If it be the deplorable condition of the provincial revenue, I think the Maulvi Sahib was not very right in his assertion, because Bengal, burdened as it is with this cursed permanent settlement, was in a very good economic condition before the Meston Award came over it. So, Sir, the permanent settlement cannot be the cause of the deplorable condition of the provincial revenue. If it be the deplorable condition of the people of this province, the permanent settlement has been in the country for about 150 years and all statistics go to show that the people of Bengal were happier and in a better economic condition than the people of Bihar and Orissa and other provinces, the permanent settlement notwithstanding. I think, therefore, that the poverty of Bengal is due to another cause, and that is the inordinate indolence of the people of this province. We know that Bengal produces wealth about 250 crores from agriculture. But about 150 crores of that wealth are taken away by traders from other parts of India or from other parts of the world. If the sons of Bengal could keep to themselves even half of that wealth that are thus taken away by non-provincial traders, I think the deplorable economic condition of the people, which the Maulvi Sahib lamented, would not have been there.

Then, Sir, Professor Bannerjee thundered out that the permanent settlement was the cause of all our evils and that the only panacea of our evils is the removal of the permanent settlement. But, Sir, how the removal of the permanent settlement will help the people of this country I cannot understand. We know that even in Government

khas mahals the rents that the tenants have got to pay are very high and even higher than they usually pay to the *zemindars*, and I think that Haji Badi Ahmed Chowdhury will bear witness to my statement. His repeated questions on this matter show that he is aggrieved, and that higher rents are assessed in Government *khas mahals*. We all know that the rent in Bombay and Madras and other provinces per acre is above Rs. 5 or Rs. 6, whereas in Bengal the average amount is Rs. 4 per acre all over the province. So I think that if the permanent settlement be done away with, as Maulvi Tamizuddin Khan has suggested, by purchasing all the permanently-settled estates, then, I think, it will not help the *raiyats* very much. On the other hand, as my friend the Nawab Sahib has said, if the tenants come directly under Government—or rather under the oppression of the officials of Government to quote the very words which he has used—the condition of the *raiyats* will be more deplorable.

(After Adjournment.)

Maulvi Tamizuddin Khan has suggested that the *zemindary* rights under the permanent settlement should be acquired by purchase, and he has asserted—I do not know how he came in the confidence of the *zemindars*—that most of the *zemindars* are anxious to part with their *zemindaries* if there are favourable purchasers. Even if that be true, how could the Government acquire them? If the *zemindaries* are going to be sold, there may be other purchasers besides Government, and if they offer a higher price, what justification will there be for Government to acquire them by purchase? Then, Mr. Bannerjee went a step further and said that if the *zemindaries* were not purchased within the next 10 years, it will automatically be in the possession of Government, but how that is going to happen, he has not stated plainly. It may be that he has been going through some book of Marx or of some other Communist or Bolshevist or has been thinking of Dictatorial administration like that of Mussolini confiscating the permanently-settled *zemindaries*. The other day I was reading a volume called "The History of Civilisation." There the author has made mention of a few epochs of civilisation. At once there was a lurking suspicion in my mind that the author might have made some mistakes because epochs cannot be divided into watertight compartments. In the same epoch all sorts of mentality may prevail. Now hearing some of the speeches of my friends, my suspicion has congealed into a conviction. I am convinced that the spirit of loot still prevails in this 20th century. But I think no responsible member of the House is justified in suggesting to Government to do away with all the permanently-settled *zemindaries*. As regards the question of increasing our land revenue by this means, the Raja Bahadur of Nashipur has shown by facts and figures that if Government acquired the permanently-settled *zemindaries*, the provincial income of Bengal will not

rise. Though Maulvi Abdul Hamid Shah has said that the condition of the people of the country will improve, and that the people will be benefited, if the permanent settlement is abolished, I think that the position will be the reverse of that, because, as in the *khas mahal* lands of Government, the rent of their holdings will go up after every 20 years.

On these grounds, Sir, I oppose the motion.

Maulvi ABUL QUASEM: Mr. President, Sir, the object of Maulvi Tamizuddin Khan's motion is a simple one. In view of the fact that land revenue in the province of Bengal is yielding much less than it should he wants that the cause of the low return under the head "Land Revenue" should be removed. He referred to Bombay and Madras Presidencies where a different system of land revenue prevails. The result is that in Madras, land revenue alone comes up to 7 crores, and in Bombay it comes up to about 5 crores, and in both the provinces the income from land revenue is more than double the income of Bengal, although Bengal is a richer and a more populous province. As a matter of fact, Sir, the rent that is actually derived from the tillers of the soil is very much greater, and it is a pertinent question to ask; why should not the large sums paid by the occupiers of the land come into and swell the provincial revenues? The system of permanent settlement was introduced by Lord Cornwallis in the year 1793, and although about 150 years have elapsed since then, the hopes that were entertained by the promoters of that system have not yet materialised. That is a fact which we have got to face. When this system was introduced, it was expected that the *zemindars* would exercise a stabilising and beneficent influence over the people, and that they would be a permanent factor for good. But many big *zemindaries* have come to an end, and many ancient houses of *zemindars* have lost their all, and new people have sprung up and are now occupying their places. Few of the *zemindaries* have been held continuously by the same families, and the result is that people who have never had any connection whatsoever with *zemindaries* have become *zemindars*. The point that I, therefore, wish to emphasize is that the idea that the sponsors of this system had in their minds, has not fructified. The result is that the *zemindars*, as a class, do not regard themselves as the guardians of the welfare of their tenants. On the other hand, the motive of the *zemindars* is simply to exact as much as possible out of their tenants, not to speak of returning to them any part of the money which they derive from them in the shape of any much-needed service. There was a time when there were large-hearted *zemindars* who looked upon their tenants as their children and completely identified themselves with their happiness and misery. But those days are gone. The feeling against the *zemindari* system that now prevails in the country is mainly due to the fact that the *zemindars*, as a rule, are out of touch and sympathy with

their tenants and the trouble is that the large margin of profit which is now made by the *zemindars* neither finds its way into the Government Treasury nor is it used for the benefit of the tenants. The *zemindars* enjoy this huge unearned profit without any corresponding benefit resulting to the people at large. My friend Maulvi Abdul Hamid Shah has referred to the fact that the tenants of Bengal are neither enthusiastic about unsettling the Permanent Settlement nor do they think that their conditions will improve by its abolition so far as incidence of their rent is concerned. But I do not think he meant to say that if the unearned income instead of finding its way into the pockets of the *zemindars* did find its way into the Government Treasury that money would not come back to the people in the shape of much-needed services and thereby the tenants would not be benefited. Therefore, Sir, when Maulvi Tamizuddin Khan has raised this all-important question Government should seriously think whether the time has not come when the Permanent Settlement should be done away with. The question is certainly one which is bound to grow in urgency and importance as days pass and must be faced before long. Bengal is suffering from a deficit budget for quite a number of years and when this deficit budget will disappear no one can foretell. Maulvi Tamizuddin Khan in his anxiety said that we should not pin our faith simply to the modification of the Meston Award, but we should also think of expanding our land revenue which is our main source of revenue. Land revenue is one of the main sources of revenue in other provinces of India; it is a source which yields a far larger amount of money in other provinces than we can claim with a larger population. Why should Bengal be deprived of this income. I freely confess that it may be regarded as a stroke of temerity on the part of Maulvi Tamizuddin Khan to bring forward such a motion in this House considering the fact that the *zemindar* of Bengal now finds himself in a more entrenched position than he was before. The recent Government of India Act as pointed out by Mr. J. L. Bannerjee has made the permanent settlement more permanent. There was a feverish agitation carried on by the Bengal *zemindars* in order to have some safeguards for their privileged position recorded in the new Government of India Act. Why was this nervous anxiety displayed by the Bengal *zemindars*? Why did the *zemindars* want this system buttressed by an assurance of the British Parliament if it was not as its opponents make it out to be? If they thought that this system could stand on its merits why should the *zemindars* carry their agitation into the heart of England to have this privilege safeguarded afresh in unmistakeable words in the Government of India Act? If the system has been a source of benefit to the people at large why should not the *zemindars* trust to the good sense of the people to retain it as a blessing as a permanent measure? It is because, I think, they have an uneasy conscience in this matter and because they feel that the system cannot be defended on its merits that they have

displayed such nervous anxiety and activity. They must have realized that if an impartial scrutiny were made of its results the system would be condemned. A powerful agitation was thus started and they may well congratulate themselves in having succeeded in having the safeguards recorded in the new Government of India Act. I may refer in passing to the weighty pronouncement made the other day by the Governor of Bengal at the St. Andrews Day Dinner. His Excellency, if I remember aright, spoke to the effect that the system of permanent settlement had struck such deep roots in Bengal, and its ramifications had become so diverse that to seek to uproot it was an exceedingly difficult problem and it was open to question whether it was a practical proposition. That is a weighty pronouncement and that is one reason why I say that it is a stroke of temerity on the part of Mr. Tamizuddin Khan to bring forward this motion. So far as Bengal's revenue is concerned we have a feeling of despondency as regards its expansion. If the land revenue of Bengal is going to remain in the present state of stagnation and if it cannot be expected to yield more than it does at present then the prospect before us is a bleak one indeed. If the so-called permanent settlement is not unsettled then Bengal is not going to be a flourishing and progressive province.

One argument that has been used by the Raja Bahadur of Nashipur took my breath away. I do not know on what authority his argument is based. I do not know what figure he has got in saying that the large expenditure involved in the collection of land revenue in Madras and Bombay is an argument against the system prevailing there. I do not know what figure he has to support his contention. But so far as Madras expenditure under land revenue is concerned it does not exceed Rs. 19·55 lakhs against an income of about 7 crores and so far as Bombay is concerned the expenditure does not exceed Rs. 23 lakhs as against an income of about Rs. 5 crores. I do not know on what figure the Raja Bahadur of Nashipur based his argument that as the cost of collection was about half of the income, so it is not worth while to have recourse to the system of land revenue prevailing in Madras and Bombay. I think he is entirely wrong. My idea is that although the people may not have their rents reduced the increased income instead of going to the landlords would go into the Government treasury and that money would be available for expenditure for the good of the people. It is a question which does require very serious attention although I see no immediate chance of its being taken up. We feel that this permanent settlement should not be allowed to continue and we should go on agitating till the grievances of the people are removed and the people get more benefit from the land revenue than they are doing at present. I do support the underlying idea in Mr. Tamizuddin Khan's motion and oppose those who say that the permanent settlement is nothing but a source of blessing which has been conferred upon

the country. As a matter of fact it has proved to be a source of endless mischief. With these words, Sir, I support Mr. Tamizuddin Khan's motion.

Maulvi SYED MAJID BAKSH: I was not so fortunate as many of my friends in listening to the speeches that were made in this connection, but reading the cut motion as I do I find that the intention is rather to point to the possibility of increased income that is to be derived from land revenue. I agree with my friend who said that the permanent settlement has done more to impoverish the public treasury than any other measure. If this measure had not been in existence as it is not in other provinces, I think the revenue would go up by leaps and bounds and instead of a deficit budget we should find a surplus budget with a large amount of resources to handle the nation-building departments. If my friends on the Treasury bench say that this thing has become sacrosanct and that it cannot be touched even with a pair of tongs and that the present Government of India Act, so to say, has made it more sacrosanct and that the chances of touching it in any shape or form are as remote as ever, then I would suggest that they should devise other means by which the income of the treasury can be augmented. From 1793 up to the present time Government is never weary of saying that the permanent settlement is unchangeable in character, but we find that with the introduction of the Cess Act the income of the *zemindar* is touched and another rule was introduced by which in spite of their saying that the permanent settlement was inviolable, they have really levied a further tax on the income of their property. I do not think Government having adopted that method should stop at that. Just as in the case of unearned income in this country and in other countries there should be a death duty levied in the case of money which is inherited by the heirs. I think Government should make an enactment by which the income of the landlords may be taxed to a certain extent when property goes from father to son, so that it may give a good fillip to the public treasury which is already denuded of its funds. I make this suggestion seriously and ask the Hon'ble Member to consider, in view of the difficulties which he is encountering in preparing the budget and the fact that we have not such elastic sources of revenue as other provinces or even the Central Government, namely, income-tax, customs duties and others, whether this Government should not try to find out means which are more or less elastic by which taxation may be imposed in order to meet the budget? This I think would be the least objectionable of the courses that Government could adopt. Leaving aside the controversy which has been raised by some of the members that the permanent settlement should be abolished, we must remember that the permanent settlement was introduced at a time when the revenue was notebeing paid on account of the unsettled condition in the country. Another feature has now presented itself in the budget. Government

should now consider whether the method which was adopted as a method of compromise between non-realisation and realisation that method being absolutely out of time now and being no longer needed should be abolished altogether. Even conceding that this extreme point of view is not palatable to my friends—the landlords and *zemindars*—those landlords know that what I have suggested can be accepted by Government. Government might levy a tax on the income when an estate passes from one person to his heir. I think the income of the landlord excluding land revenue will be about Rs. 10 or 12 crores, and if death duty of 3 or 4 per cent., which is not much, is levied, Government will derive an income of Rs. 30 or 40 lakhs. And this could very well and would very probably be applied to the nation-building departments which are clamouring for money. This is a modest demand of mine, and in spite of views to the contrary, this modest demand should be acceded to by Government, because they are not having a luxury budget, but a budget which to say the least of it is absolutely unworkable. Expenditure is mounting up year by year under the head "Police". Every year it is greater than the preceding year, while the expenditure on other heads is not inflated. The main source of revenue on which Government now depends is the same as it was years ago, namely, excise, and unless there are other sources of revenue which are based on the virtues of the people, but not upon their vices, and since the other sources of revenue depend more or less upon the economic condition of the people and not upon the thrift of the people but upon their spend-thriftness, I make the suggestion and if this is accepted, it would provide a source of income to the Government of the future.

Babu KISHORI MOHAN CHAUDHURI: Sir, I am extremely sorry that some of my friends are so very anxious to see that the permanent settlement is done away with. I really fail to understand the remedy suggested by them. If Government have to purchase the properties, interest will have to be paid on the purchase money, and that will not be a very small amount. Some of my friends have said that the permanent settlement was a mistake and, therefore, it should be done away with. I am not at all convinced how it was a mistake. The permanent settlement was granted when the Government began with an empty treasury, and it was thought absolutely necessary that the regular payment of revenue should be ensured. As has been pointed out by Mr. Sarat Kumar Roy, only 10 per cent. of the revenue was allowed as collection charges, and it was not a very big sum. It was not even sufficient to cover the necessary expenses for realisation or for making improvements in the property. We know in some cases, at least in the case of the Nattore Raj, that Raja Ram Krishna could not pay the revenue, and a large profitable property was sold away as a result of his inability to pay. At present the persons who are enjoying the benefit of the

permanent settlement are not the persons who originally took the settlement. They had to spend a lot of money, which they could earn by the sweat of their brow, in purchasing a permanently-settled estate, and why should they be deprived of it now? If that is to be done, then nationalisation of wealth would be the proper remedy. If spoliation be the proper remedy, then let the properties of all, the *zemindars*, the *mahajans*, the pleaders and other big persons, be nationalised, and let there be a national fund deposited in the public treasury to be spent on national causes. Then there is another absurdity of the proposal. If the purchase of the properties, as suggested by the mover of the motion, is to be accomplished for the purpose of having an increased revenue, then you will have to act upon the Meston Award and the jute duty as well as the stamp duty would be taken away. You will probably remember, Sir, the assurance that was given by the head of the Bengal Government, who is at present the Secretary of State for India, when three taxes were imposed in 1922-23. We were assured that since Bengal had been very badly treated, as soon as the jute duty was secured, the proceeds of those taxes would be set apart for the nation-building departments. Sir, it has been amply proved that the Meston Award was a mistake, but if we are to act upon that Award, then where is the certainty that the increased revenue would be placed at our disposal? That is an absurdity. Sir, it is very unjust to say that the Bengal *zemindars* have done nothing for the people. I believe that the persons who make that sort of allegation are not conversant with the real state of affairs in the country. You yourself know, Sir, what you have to do for your tenants, for your neighbours and for those persons who depend upon you. We know that Rajshahi has been made what it is now purely by the munificence of the Rajshahi *zemindars;* the Dighapatia family and the Putia Maharani contributed very largely to the growth of the district. Similar things have been done by the *zemindars* everywhere in the province. Take, for instance, education. What a large contribution was made by them towards education. Everybody knows what a large amount was spent by the late Maharaja of Cossimbazar towards the educational cause and other things by which the people were largely benefited. (A VOICE: Also the swindlers.) I do not know whether it is his ignorance of the fact which prompts my frineds to say that he was swindled, but from what I know I think the late Maharaja was heavily indebted only by spending a good deal for the benefit of others and not being really swindled by some scheming fellows. What I was going to submit was that it is absolutely absurd to suggest that that class of persons are the creatures of Government, that they did nothing and that they have been unjustly paid for whatever services they might have rendered. I have not been told how by the 10 per cent. margin they were made to increase thier wealth and income. It might be argued in a similar way that the *mahajan* class by lending money at high rates of interest have grown very rich, that there

is no justification for charging such a high rate of interest and that their money should be taken away for the benefit of the people. These are absurd proposals. I have not heard anything how the people would be benefited even if there is any real increase in revenue and how that money could be forthcoming without borrowing heavily and paying a large amount of interest to purchase the permanently-settled estates. It is unjust to say that all the misfortune we are suffering from is due to the existence of that class; there is no justification for saying so. My friend, Mr. Jitendralal Bannerjee says that in no time the *zemidars* will die an unnatural death. I cannot understand it. Those who are spendthrifts die an unnatural death, but this is not applicable to our *zemindars* who are still doing many good things for the benefit of the people. So, there is no reason why one class of persons should be deprived of their wealth which they have secured by dint of their labour during the last 150 years and that money should be brought to the public treasury to be taken away by the Imperial Government under the plea of the Meston Award. The real difficulty lies with the Government in its inability to govern the country properly. It is a condemnation which goes against the Government. What has Government done during these 150 years? Tax after tax has been imposed, but no benefit whatsoever has been done to the people. We have got a spendthrift Government, and all the resources of the province are taken away by the Imperial Government under the Meston Award and nothing could be done for our benefit. Even if we ask for a few hundreds, we are told that there is no money. So, if you increase your revenue by the spoliation now proposed, I have no doubt that it would be taken away under the same Meston Award, and whether we cry hoarse upon our requirements, that would have no consideration. I fail to understand how the people will be benefited by applying this act of spoliation against the wealthy class. The people have no control over the executive. It is wrong to suggest that the people should be benefited by ruining the *zemindars*. I am sorry that a proposition like this has been brought before the House, which would only divide the people on grounds of communalism and would not do anything of real benefit to the people.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, this two hours' debate has been very bewildering to me. The motion is that the demand under "Charges of administration—Land acquisition establishment" be reduced by Rs. 100 (possibilities of increased income in the Land Revenue Department). The debate has gone largely upon the merits or demerits of the permanent settlement and whether the permanent settlement should or should not be done away with. Sir, I should have thought that on a cut motion like this members would address themselves to a criticism of the administration of this particular department on the basis of the existing law. But, Sir, what we have heard

during the last two hours is not what the existing law is but what the law ought to be. Is that, Sir, a proper matter for a debate on a cut motion? I think it is not. We have also heard in this connection from Maulvi Majid Baksh that death duties should be imposed. I fail to understand what possible relevance, a death duty has with the administration of the Land Revenue Department?

Maulvi SYED MAJID BAKSH: Increased income.

The Hon'ble Sir BROJENDRA LAL MITTER: That will come under stamp revenue and not land revenue.

Maulvi SYED MAJID BAKSH: Well, Sir, the difference is only one between Tweedledum and Tweedledee.

The Hon'ble Sir BROJENDRA LAL MITTER: Now, Sir Maulvi Tamizuddin Khan started by saying that he wanted to raise a debate on the possibility of increased land revenue and he made a suggestion. On that suggestion I shall have a few remarks to make. If his intention was to censure the Government on their administration of the Land Revenue Department, I have not heard any word of criticism on that point from him except that Government have not made sufficient remissions in these days of distress. But this was only incidentally mentioned; it was not the main theme of his argument. His main theme was that Government should buy up the permanently-settled estates; that was his definite suggestion. I take it, Sir, that his idea was that if Government did buy the permanently-settled estates, land revenue would improve. If so, has he given us any figures, Sir, to prove how land revenue would improve if Government bought up the permanently-settled estates? I shall give a simple illustration. An estate is permanently settled with a *zemindar*, and at the lowest rung of the ladder is the cultivator who tills the land; but in between these there are the intermediaries—in some districts they may be five, and in some districts they may be twenty in number. If Government have to buy up any permanently-settled estate, it won't do for them to buy up merely the *zemindar's* interest, because intermediate interests still remain. Therefore, what his intention was is that Government should buy all the interests above the actual cultivators and be face to face with the cultivators, and realize rents from the cultivators direct: that must be his meaning. If that be so, the Government will have to buy up not merely the interests of the *zemindars* but also those of the intermediate holders. And what would be the cost of that? He suggested that Government should raise a loan for that purpose. I take it that he never suggested that Government should confiscate the properties or the interests without paying adequate compensation. If an adequate

compensation is to be paid, by raising a loan, Government would have to pay interest. Will not the profit which is now accruing to these intermediate holders and *zemindars* represent roughly, the amount of this interest? Being face to face with the cultivator, unless Government increase the rent of the cultivators there is no increase in revenue. Now, let me give some hypothetical figures. Suppose, a tenant is paying Rs. 100, and Government are getting only Rs. 5 from the *zemindar*. Now, this Rs. 95 interests have to be bought up. Government will have to borrow the capitalized value of the Rs. 95. Rupees 95 will go in paying the interest and sinking fund. Government then face the cultivator who pays Rs. 5, and unless the Rs. 5 is raised, how is the revenue to increase? I am saying this for the purpose of showing that without working out figures this sort of airy suggestion leads nowhere, and I should have thought that this matter would be a proper subject for a resolution. If it were a resolution in which a recommendation was made to Government to consider this matter, then Government could have dealt with the question. In the absence of figures, in the absence of any proof that by merely buying out permanently-settled estates Government's revenues will improve is a mere opinion and I cannot accept it. Sir, the question bristles with difficulties. Maulvi Tamizuddin Khan in one part of his speech said that Government should buy these estates at revenue sales, and this suggestion may be of some practical value. But even then, at revenue sales you cannot annul permanent interests, such as the *mokarari* interests. If they remain, how do Government come to benefit by way of improved revenue? That was never explained. A mere suggestion was thrown out, and that suggestion was taken up by subsequent speakers. One of them indulged in his usual pastime of abusing the *zemindars* and another went to the length of discussing death duties, and so we rambled all over the field without coming to the crux of the thing, viz., the token cut in connection with the administration of the Land Revenue Department. The only relevant thing which has been mentioned in connection with this motion is that sufficient remissions have not been given to the tenants of Bengal at this time of distress. This matter, Sir, has been raised from time to time at question time, and the replies which I gave on those occasions, I may be permitted to repeat now. It is this, that it is true during these times of economic depression revised settlements have been made in certain districts, but at the same time it was also repeatedly declared in this House that though revised settlements would come into operation, individual cases of distress would be dealt with on their merits and they have always been so dealt with. My friend from Chittagong, by his persistence, succeeded in getting the revised settlement further revised in Chittagong. In other districts individual cases of distress have been sympathetically dealt with. But here I am confronted with a vague, general charge that Madras has

made large remissions in land revenue whereas Bengal has done nothing of the kind. We do not know the conditions in Madras; when the settlement was made; or what was the incidence of such settlements, and so on. Without knowing these things, comparison of Bengal with Madras and Bombay is valueless and embarrassing. Then, again, Sir, are these provinces, at all comparable, as Maulvi Tamizuddin Khan has done? In Bengal the *zemindar* is the actual proprietor of the soil: in Bombay and Madras he is not. In Bombay, there is no *zemindar* in fact. So, you cannot compare province with province when conditions are different. It is difficult for me to meet the vague and general arguments which have been put forward in connection with the motion. I hope, Maulvi Tamizuddin Khan will see his way to withdraw his motion.

The motion of Maulvi Tamizuddin Khan was put and lost.

Maulvi ABDUL HAKIM: Sir, I beg to move that the demand of Rs. 1,47,000 under the head "5A—Charges of administration—Land acquisition establishment" be reduced by Rs. 100 (policy regarding the investment of lands acquired for district partition of Mymensingh).

Sir, as Government are fully aware, some years back there was a proposal that the district of Mymensingh should be partitioned, but, afterwards, for some reasons or other that proposal was abandoned. But the lands that were acquired were not returned to their previous owners. On the other hand, it is a fact that these lands are settled with other persons every time for a certain period. I have particular knowledge about the lands acquired for the proposed headquarters of new district, Jamalpore. There, also, the lands that were acquired were not returned to the original owners; on the other hand, they are being similarly settled with other persons periodically every time. Sir, in my opinion, this sort of settling the lands with persons other than the previous owners is altogether unjust and unreasonable. It is only just and proper that the lands should be settled with the previous owners or their heirs if they are forthcoming and are willing to take over the lands on the same terms and conditions as are offered to the other parties. This is a very simple motion, and I do not like to waste the valuable time of this Council by a long speech. My sole intention is that Government should take pity on the previous owners of the lands thus acquired, and I hope that these lands will be settled with the original owners or their heirs, if available. With these few words, I commend my motion to the acceptance of the House.

The Hon'ble Sir BROJENDRA LAL MITTER: The first speaker said that he did not know for what reason the scheme for the partition of the district was abandoned. This House is aware that this very Council did not vote the money for it. That was why the scheme could not be proceeded with.

I understand, Sir, that steps were taken for the acquisition of land as far back as 1918 in connection with the partition scheme. In 1919 and 1920, the land acquisition proceedings were completed. In the budget estimate for the following year 1921-22, a sum of Rs. 6 lakhs was provided for work in connection with the partition, but as the Council did not vote for the provision, Government decided not to proceed with the scheme, and the scheme has not been revived. At that time, all the lands were left in the hands of Government. Then in 1922, orders were issued by Government to retain in the immediate possession of Government land for which there was a reasonable probability of its being required in the near future for other urgent schemes, to complete the arrangement of making over a portion of the land to the Kishoreganj Municipality permanently on payment of cost price and rent and to let out the remainder on such terms of temporary occupation as would not interfere with its being available at short notice. In the same year, the Collector of Mymensingh submitted certain proposals for the disposal of the land in accordance with the Government order stated just now and he was told that each individual proposal would be considered by the administrative department concerned on its own merit. The lands have, therefore, been disposed of in the manner just stated.

Sir, as regards the policy of Government in the disposal of the lands, the standing instructions are that the lands should be first offered to the persons from whom they were acquired or to their heirs, if discovered. The standing instructions also provide that no elaborate enquiries are necessary to find out the original owners as that concession is made as an act of grace and as it is wholly within the pleasure of Government to grant or refuse it in any particular case. These are the standing instructions, and these have been followed in disposing of the lands acquired. Now, the first mover said that in many cases, the lands were not returned to the original owners or to their heirs. It is no question of returning these lands, because Government bought them out and out. The question is one of settling the lands with new people, and in such settlement, the original owners or their heirs have got the first right—that is the standing order, and no instance has been brought to the notice of Government in which the standing order has not been followed. I must say that it might happen that the heir of the original owner was not easily discovered, and, therefore, the land was settled with somebody else. But I am not aware of any case in which the standing instructions were not followed. Sir, I do not see any reason why Government should be censured. As regards the suggestion that the lands should be settled—and I take it that Maulvi Abdul Hakim meant this when he spoke of returning the lands—with the original

owners or their heirs, I accept the principle. That is the standing instruction, and, as I have already said, I have no doubt that the instructions have been followed and will be followed.

Maulvi Abdul Hamid Shah has, however, sung a different tune. He says, there is no question of original owners or their heirs, but settle the lands with people who will take to more scientific or advanced cultivation and for that purpose utilise water hyacinth as manure. Sir, it is a very interesting suggestion, but as the policy of Government is to dispose of these lands in the way in which such lands should be ordinarily disposed of, they give the first offer to the original owners or their heirs and failing that to the next man who comes along. But to go out of the way and to settle the land with people who would take to advanced or scientific cultivation is a proposition which in my submission is not a practicable one. Where are we to get the scientific cultivators and how are we to be sure that, if the land is settled with such a cultivator, he will take to scientific cutivation and not to orthodox method of cultivation. This is not a practical proposition, and I oppose the motion.

The motion was put and lost.

Babu SATISH CHANDRA RAY CHOWDHURY: May I have your leave to move both my amendments together?

Mr. PRESIDENT: Yes, you may.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to move that the demand of Rs. 1,50,370 under the head "5A—Charges of administration—Certificate establishment—Pay of establishment" be reduced by Rs. 100 (issue of body warrants against certificate debtors).

I also beg to move that the demand of Rs. 1,55,000 under the head "5A—Charges of administration—Certificate establishment" be reduced by Rs. 100 (issue of warrants for attachment of movables and body warrants against joint certificate debtors).

The object of my motions is to draw the attention of the Hon'ble Member to an unnecessary and unjustifiable hardship caused to by far the largest number of landowners, big and small, by the mode of execution of certificates for realisation of cesses.

Two classes of landowners are involved in this operation—(1) sole landlords, and (2) co-sharer landlords. Body warrants and attachment of movables are being more frequently resorted to than

sale of the estates by the certificate officers, presumably for the speedier realisation of the cess demands. The resultant hardship, particularly at the time of depression, can very well be understood.

It may be said, the provision of law is there in the Public Demands Recovery Act. True, but it is in the power of Government to bring the law into line with modern ideas or at any rate by instructions to their officials to make the rule virtually obsolete. That is what I am appealing for to-day.

Cess is an impost and a tax on land in the nature of rent realisable from the tenants. For the purpose of the Bengal Tenancy Act rent and cess are on the same legal footing and yet a landlord has no such remedy as arrest and putting into civil prison the judgment-debtor in a rent decree. The liability of the landholders for cess is not all their own liability, but a part of it is the liability of the tenant or the tenure-holders. So where the tenant or the tenure-holders are immune from such arrests even for the sake of speedy realisation of the dues, it is only an irony of fate which makes the landlord so liable.

In the case of the co-sharer landlords the lot is still harder. They share with the sole landlord the fate of defaulters due to the defaults of the tenants quite often. In addition to this they suffer more often than not owing to the defaults of their co-sharers. A man may have a very small share in an estate in which there are numerous bigger co-sharers and the total cess demand a heavy one. Some co-sharers default in paying and they manage to get the certificates issued—needless to describe the means which are well known to everybody—against some of their unfortunate brethren of poorer means, and the whole burden falls on the poor co-sharer. The poor co-sharer, if resourceful, will make the peon submit a report that no movables were found and thus escape for a time, but for a time only —for then comes the warrant of arrest.

Law is heartless and the law officers too not unoften, the result being a summary dismissal of his prayers for relief. Then he has to submit to the inscrutable. His inherited respectability is his curse, and he cannot face a civil prison without incurring a good deal of social opprobrium. He has, therefore, to part with his other properties or probably mortgage his little, all to procure the money, 99 per cent. of which is often the dues of other co-sharers. This is not an imaginary case. I have known of many such cases leading to the ruin of many owners and co-sharers of estates. It should be remembered that since the settlement operations, cess demands of estates have increased manifold and the difficulties of co-sharers in the way of collection have increased *pari passu*. So the particular mode of execution of cess certificate bids fair to bring about the ruin of a class of people on whose side there is certainly justice and humanity.

A suit for contribution is a very difficult and lengthy affair with all knotty question of title and extent of title cropping up even when the unfortunate co-sharer has the wherewithal to fight such a case. Why put him to this difficult job of recuperation when the same can be easily avoided?

Sir, section 14 of the Public Demands Recovery Act lays down the mode of execution, the first is attachment and sale of property, second attachment decree and the last is the arrest of the certificate-debtor and his detention in civil prison. Surely, the legislator did not mean the last weapon to be applied and tried first. The most usual and natural mode of execution is to put the estate into auction sale. Two ends may be secured thereby—(1) the dishonest practice of some mischievous co-sharers in getting their own burden thrown on others will be largely stopped, thereby ensuring a more regular payment by each co-sharer, and (2) in cases where the co-sharers are too numerous causing impediment in the collection of cess a sale of the estate will result in consolidation in one hand thus ensuring a better state of things for all parties concerned.

It is only when the sale price of the estate does not cover the demand that it will be fair to realise the balance from any of the joint-debtors—even in such a case defaulting co-sharers with big shares should be selected and on no account should body warrants be issued.

The end I plead for may be achieved by a short amendment of the Public Demands Recovery Act by inserting a special provision like sub-section (7) of section 158A which gives the Government authority to modify the provisions of the Public Demands Recovery Act by rules as to the execution of certificates for rent dues.

I request the Hon'ble Member to look into the matter for himself and see if anything can be done to give relief to a large body of helpless people—the victims of a rigid rule of law.

Dr. NARESH CHANDRA SEN GUPTA: My hon'ble friend in moving this motion for a cut in respect of body warrants against certificate-debtors and of attachment of moveables and petty sales has confined himself to principally the cases of cess, but certificates are issued not only in cases of cess but also in respect of rents of *khas mahals*, court of wards' estates and of all privileged landlords and also in respect of other dues. The way in which these powers are utilised throws rather a lurid light upon the way in which these are realised. The answer of the Hon'ble Member in charge of the Revenue Department to Starred Question No. 44 shows that in the Noakhali district in the years 1929-30 to 1930-31 there was an

increase in the certificates by 74 per cent. It may be noticed that 1929 to 1931 were years of great depression. In 1930-31 to 1931-32 there was an increase of 14 per cent. The figure is not very clear; 14 per cent. is, I take it, over the figure of the previous year, that is to say, compared with the figure for 1928-29 and 1929-30, it is a great deal more than 14 per cent. Then in 1931-32, and 1932-33 it is 11 per cent. more. All these years were years of depression. In 1933-34 and 1934-35 there was a decrease in the number of certificates by 28 per cent. and in 1934-35 and 1935-36 there was an increase of 50 per cent. It has been said that with regard to *khas mahal* tenants cases of real inability to pay rent have been treated liberally. That is a general statement. But is it not rather striking that in the very years of depression suddenly the tenants have become refractory and refused to pay rents when most of them were able to pay? Is it suggested that this increase in the figures for certificates was exclusively due to reasons other than cases of real inability to pay? It would be against all reason and experience to think that it is.

The Hon'ble Sir BROJENDRA LAL MITTER: But it is a fact.

Dr. NARESH CHANDRA SEN GUPTA: My hon'ble friend says it is a fact, because perhaps his department has said that it is a fact.

The Hon'ble Sir BROJENDRA LAL MITTER: It is often said that the department has said so. Naturally, I have got to get instructions from the department. I cannot get it from the man in the street.

Dr. NARESH CHANDRA SEN GUPTA: I will not drag my hon'ble friend to the street for any reason whatsoever. He may live in his place for all the time. But if he would care to come down to the street he will find a different story told. He will find that certificates have been taken out against tenants, their movables have been attached and their cattle have been brought and sold in the court precincts for ridiculously low prices. During the years of depression Rs. 5 and Rs. 2 is the sort of price realised for a head of cattle, and the reaction of this upon the tenants has been much graver than mere loss of cattle. I know there is a prohibition against the attachment of certain agricultural implements and other things, but it is also a fact that the draught cattle has been sold and by reason of that some cultivators have been deprived of the power of cultivating their lands for want of cattle. For this I have the authority not of a man in the street but of a responsible gentleman of Nadia that in one of the

estates under the court of wards enormous lands were lying uncultivated this year because the cultivators have not the draught cattle, because the draught cattle had been taken away in execution of the certificates issued by the men in charge of the court of wards. This is one information which I am able to give to the Hon'ble Member. Apart from that, I am not asking him to get any information from outside, but look at these figures. In the years of distress the number of certificates increased and in the years of prosperity they were not so high as that. What does that indicate? It does not indicate that the tenants have suddenly become rebellious and that they have refused to pay rent, although they have means to pay. It simply means that they have no means to pay. It is perfectly true that they have the means to pay because the certificates have been realised, but how? They have not the means to pay without depriving themselves of the absolute necessities of life, and those absolute necessities of life have been taken away from them by certificates. This is the story which has come to us from several places. I do not say that it is the universal case. All these figures bear eloquent testimony to the fact that these reports are substantially true. This is a matter which requires attention. It is possible that with more money in the hands of the cultivators and landlords these certificates will naturally go down, but the matter will have to be investigated, and if there has been an harassment of the poor people by certificates in times of distress, this must not be allowed to recur.

The Hon'ble Sir BROJENDRA LAL MITTER: Dr. Sen Gupta has said that this matter of certificates, having regard to their large number, requires to be looked into. I can assure my friend that nothing has given me more worry and anxiety than these certificates ever since I assumed charge of the Revenue Department. When I had been to a district the first enquiry that I made was how many certificates had been issued. I can assure my friend that I have made personal enquiries in the district of Noakhali, and what I found was that a large number of certificates were made out but a small proportion of those certificates were issued and a still smaller proportion actually executed. The mere fact that a certificate has been made out does not mean the execution of the certificate. Strict orders were given that except in the case of refractory tenants the certificates were not to be executed. As regards the people who are unable to pay, I can assure my friend, Dr. Sen Gupta, that I have definite and reliable information that a large number of certificates relate to cases where on account of a no-rent campaign tenants wilfully withheld payment when they were in a position to pay. Our instruction was that in the cases where the tenants were in a position to pay but would not pay, the certificates were to be executed, and so far as I know these instructions have been loyally carried out by the local

officers. If any specific case of abuse be brought to my notice, I can assure the House that it will receive my immediate attention and adequate relief will be given. As I have said, this matter of certificates gave me great anxiety, but recently the reports that I got showed that there had been no complaint whatsoever in the districts with regard to the execution of these certificates. I can give assurance to my friend, Babu Satish Chandra Ray Chowdhury that if any specific case of abuse be brought to my notice, it will be immediately examined.

As regards execution by means of personal arrest, my information is that personal arrest is not resorted to in the first instance. In the first instance, as Satish Babu himself pointed out, under section 14 there is attachment and sale and then arrest of the certificate-debtor and detaining him in the civil prison. In cases where personal execution has been resorted to, it was only after other methods had been exhausted. That is the information that I have got, but if the information of Satish Babu be to the contrary, I shall be very glad to examine those cases, but I can assure him that so far as I am aware there has been no case of personal arrest in the first instance. After this explanation I hope my friend will withdraw his motion.

The motions were then put and lost.

(The Council was then adjourned for fifteen minutes.)

(After Adjournment.)

Kazi EMDADUL HOQUE: I beg to move that the demand of Rs. 1,55,000 under the head "5A—Land Revenue—Charges of administration—Certificate establishment" be refused.

Sir, I have very bitter experience about the working of the certificate system and this has impelled me to bring this motion before this House. The ground on which the continuance of this system may be justified is that it is an expeditious method and that without going through the lengthy procedure of the civil court the dues may be recovered with the utmost speed. That is the only justification in its favour and that is what I think the Hon'ble Member will put forward in defence. Now, what I want by my motion is the total refusal of the certificate establishment; in other words, I consider that it is no longer necessary to have this system in recovering dues. The maintenance of a certificate establishment was desirable when it was thought that recovery of dues would be made more expeditiously through this procedure than through the law courts which would take considerable time in disposing of cases before them. But, Sir, the Hon'ble High Court has since promulgated many new rules and issued many circulars which require the civil courts to dispose of cases before them very expeditiously, consequently claims of the nature generally

triable by a certificate court can be disposed of by the civil courts in the course of three months at present. Therefore, although there was necessity for this establishment when the Certificate Act was passed, there is no necessity for it at present. Even if there be any necessity for this system so far as the claims recoverable under the Public Demands Recovery Act are concerned, its indiscriminate use has resulted in so much hardships to many innocent persons that I think it is time when we should do away with this procedure, particularly in relation to the recovery of rents from tenants which is governed by the Bengal Tenancy Act. There is, of course, a special provision for the recovery of dues under the Bengal Tenancy Act. Section 158A of this Act provides that, under certain circumstances, the power of certificate procedure may be given to landlords, but this power is so very indiscriminately given to them nowadays that instead of doing good, it is doing incalculable mischief to the poor tenants. Sir, what is the justification for resorting to the certificate procedure in realization of rents from the tenants, and why is it that Government are now so very liberal in granting this power to the *zemindars* at large? This certificate procedure was not resorted to before the economic depression, and it is only when the depression has set in that a free use of this certificate procedure is being made. Government know very well that on account of the depression prevailing in the country and the extremely low price of the foodstuffs which the cultivators produce they cannot pay their rents; Government know this in their heart of hearts, but still they will not abstain from resorting to this procedure to realise rents. Sir, what is the justification, I ask again, for bidding good-bye to the normal procedure to recover rents from the tenants and resorting to this extraordinary measure in these extraordinary times? Do they deny that the cultivators are in a very bad predicament—that they are not in a position to pay their rents because of the fact that their produce do not fetch sufficient money, and that they are maintaining only a bare existence? Or is it that knowing all these things full well, Government have thought it fit to take recourse to this certificate measure?

Now, it has been said by the Hon'ble Member that there are tenants who can afford to pay their rents, but they will not. I do not know, Sir, what is the basis of this statement of his. I do not think that anybody who is intimately acquainted with the actual state of affairs of the tenants at large in the mufassal will bear this out? Those that are acquainted with the real condition of the cultivators, will, on the contrary, bear me out when I say that they are not at all in a position to pay their rents, and that is why they are making defaults; in their nature they are not defaulters, but it is only for circumstances over which they have no control that they fail to

make timely payment. But Government do not care for all these things and always insist on payment. When the Government say that there are cultivators who are well to do and can afford to pay but do not and the tenants also say that they have nothing to pay, surely the Government version must be taken with caution. It is simply absurd to expect, especially in these days of distress, that the tenants have any resources to pay their rents; besides the rate of rent is so very high that, considering the present circumstances, they cannot make their ends meet. So, there is no shred of truth in the assertion that the tenants are not paying rents through negligence. The Hon'ble Member has said on many an occasion before, and he has repeated that argument to-day, that it is on account of the no-rent campaign that the cultivators have been neglecting to make payments that they could have done. Sir, I do not understand where, again, he has got this information from. (THE HON'BLE SIR BROJENDRA LAL MITTER: In one district only.) A no-rent campaign cannot be started in a particular district as the Hon'ble Member now interjects. If a programme like that is undertaken by any person anywhere, that cannot be successful; it cannot be a programme for the whole country. A no-rent campaign can only be started where there is a motive behind it, but is there any such movement in the country which supports the idea of a no-rent campaign? Certainly, there is no such movement in the country now; the country is free from any such movement, and, therefore, a no-rent campaign cannot be started anywhere in the country. If there is any information from any quarter to this effect, I do not think that that information is correct, and my hon'ble friend has been deluded into thinking that his information is correct. So, neither is there any no-rent campaign in the country, nor are there people who can pay rents but won't. That is not the true state of things. The people have been hard hit by the depression, they do not get proper prices for their produces; that is the reason why they are defaulting, and not their negligence. The Hon'ble Member has said that certificate method has worked successfully and up till now no complaint has been brought to his notice. But, Sir, how can complaints come to him? In fact, nobody can dare complain to him. If there is any wrong done to any person, he cannot approach him. I gave him certain instances on one occasion. Once certain people came to me and related certain facts of oppression done to them, and I referred the matter to the District Magistrate. The District Magistrate in his letter warned me and asked me who was I to refer the matter to him. The people concerned asked me to refer this matter to the District Magistrate or to the proper authority, whoever he may be, and I simply brought this matter to his notice. But the Magistrate took me to task for having done so. The whole matter was then placed before the Hon'ble Member, and perhaps he has already enquired into the matter to console our souls.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I did make an enquiry and gave an answer in this House.

Kazi EMDADUL HOQUE: Yes, you gave the answer that the District Magistrate had himself made an enquiry, but the fact is that he did not himself go to the locality and make the necessary enquiry, and this is the sort of answer that you give on the floor of this House. I also gave instances of two widows who were maltreated by some people of the certificate staff as well as of the staff of the *zemindar*, but, so far as I know, no enquiry has been made regarding this incident, although the certificate officer told me that the matter would be enquired into. Why do we take exception to this procedure? Because when the certificate officer's men go to the mufassal, they take the help of the village panchayats—I mean the union board officers. These men, together with the union board officers, surround the houses of the poor men even at night, take away their movable properties to the headquarters, and sell them at nominal prices. You have thus reduced them to the utmost verge of starvation. You boast of a good collection and say that your collection has improved. Yes, it has improved indeed! But how? Surely at the point of the bayonet! It is true that your collection has improved, but you ought to be ashamed of the methods which have led to this improvement. Sir, collection is no bad thing. In normal times it shows that the condition of the country is improving. But your collection has been made at the cost of the ornaments of the cultivators' wives having to be sold. Under the social law and custom of this country, the wives do not part with their ornaments until the death of their husbands; so, you have made widows of these wives, so to say (Laughter.) And you have made the cultivators homeless, wrecked their backbones, so that they are not even living from hand to mouth. If the certificate procedure is done away with, there will be no harm so far as the recovery of the dues under the Public Demands Recovery Act is concerned, because the Hon'ble the High Court has issued circulars for the expeditious disposal of cases. So, there need be no hurry in rushing these cases through by means of the certificate procedure. In these circumstances, Sir, I think that some other members will support me. (Laughter.)

There are many other things which might be said in this connection. If my friend, the Government Member wants that instances should be given him in which the certificate establishment has brought untold sufferings on the people, I may multiply such instances. In my own district we have seen lots of cases of late in which injustice has been done. It is only 5 or 6 years since that the certificate procedure has been resorted to in the district of Rangpur. At first, this power was given only to one *zemindar*. Other

zemindars tried to get it but failed, but ultimately when success was obtained by the grant of this power to one *zemindar* as a result of cumulative and concerted oppression, it was extended to other *zemindars* also——

Mr. PRESIDENT: Order, order. I must adjourn the Council now as it is 7 o'clock.

Adjournment.

The Council was then adjourned till 10-30 a.m. on Saturday, the 14th March, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Saturday, the 14th March, 1936, at 10-30 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 77 nominated and elected members.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1936-37.

DEMANDS FOR GRANTS.

5—Land Revenue.

Kazi EMDADUL HOQUE: I was telling the House last night that on account of certain rules framed and circulars issued from time to time by the Hon'ble High Court, disposal of cases by civil courts has become possible to be done as quickly as it can be done under the certificate procedure. That being so, I do not think it is necessary to maintain certificate establishment to enforce claims under the Public Demands Recovery Act, far less is it necessary to enforce the claim recoverable under the Bengal Tenancy Act. I do not think there is any justification for the continuance of the certificate procedure in relation to the recovery of rents. The Hon'ble Member has not been able to make out any case that recovery of rents should be based on the certificate procedure. To invoke the aid of the certificate system in realising rents from tenants, it is to be proved that tenants have grown refractory and that with all facilities and resources at their disposal, they have been withholding payment; but the Hon'ble Member has placed no such proof before us. There is a certain section of people, he said, who are well-to-do and who can afford to pay rents, but they do not. That is apparently a simple and innocent statement that he has made. Again, the Hon'ble Member, in replying to Maulvi Tamizuddin Khan who has said that collection of revenue would improve by the Government purchasing the *zemindary*

has remarked that Mr. Tamizuddin has not, however, given any facts and figures to support his statement. May I not then similarly ask Sir Brojendra Lal Mitter whether he has any statistics to show who are the persons who are well-to-do and who can afford to pay but do not? In the absence of that, I do not see any justification for such a statement either. Another argument he has made is that an intensive propaganda is being carried on against payment of rent—call it a no-rent-campaign, if you please. That is a bogey that is often raised when it suits the convenience of Government. I submit, Sir, that there is no such movement in existence. If there had been any such movement, that would have been widespread and universal; but there is no such propaganda in the countryside. Sir, it is in the interest of Government that they should cast on certain persons the onus of carrying on a no-rent-campaign so that they can enforce the realisation of rent by any forcible means. They know that their revenue was falling because of the non-realisation of rent by *zemindars* from their tenants on account of depression. Therefore, they want it to be realised by hook or by crook—that is, by any measure of oppression on the poor tenants. People dare not raise their little finger to the oppression that has been perpetrated on the poor tenants, but if anybody has the moral courage of doing so, he is at once branded with the hall-mark as a no-rent-campaigner, that is, an agitator who is fomenting a no-rent-campaign. Now, however emphatic the Hon'ble Member may be in his statement that there is a propaganda against payment of rent, I may tell him that there is no such thing in existence. It is in the interest of Government to characterise persons as no-rent-campaigners, and the reason as to why that is done is, as I have already said, quite obvious.

Raja Bahadur BHUPENDRA NARAYAN SINGHA, of Nashipur: The mover has brought a cut motion for the purpose of criticising the system of certificate procedure. He, however, confined his remarks to the application of the certificate procedure in respect of rent only. There are cases in which Government have to issue certificates to realise their dues from other sources, such as municipal dues, etc. But the mover is pressing for one kind of certificate, *e.g.*, of rent and cess. Sir, it is strange that the mover has assumed that the certificate procedure is not to the best interest of the tenant. As a matter of fact, if you look into the question more seriously, you will find that it is not so. I may say, Sir, there is not only no difference between the certificate procedure and the procedure adopted by a civil court, but that the certificate procedure is more advantageous than the civil court for the tenants. First of all, in a case of certificate procedure, the rate of interest charged is 12½ per cent., whereas in a civil court case, it is as much as 25 per cent. of their demand by way of damage. Moreover, there is no *ad valorem* pleader's fee in the certificate procedure, whereas in the case of a civil court procedure an *ad valorem*

pleader's fee to the extent of 5 or 7 per cent. is charged and realised. The requisition is filed only once in a year in the case of certificate procedure, whereas in the civil court procedure one can file suits not only once in a year but as many times as he likes. Apart from that a requisition can be filed only in the beginning of the agriculture year—that is within the first three months of the Bengali year and not at any other time. There are all these restrictions in the certificate procedure as against the civil court procedure. Moreover, there is a clause that the Collector should take an account from the landlord and the landlord has to keep the record intact so that no demand can be made other than what has been recorded. These, Sir, are the safeguards for the tenants, and I think, therefore, that the certificate procedure is better for the tenants than either for the landlords or for the Government. It is also to the advantage of the tenants that the certificate procedure is used very frequently. Three or four years are generally taken to decide a rent suit in a civil court; that certainly is ruinous to the tenants, because by having taken so long a period the cost of the suit goes up enormously, and in the long run all their holdings are sold up and they are turned beggars; whereas under the certificate procedure that is not so. Further there is a procedure to pay by instalments under the certificate procedure. There is a general idea that there is no instalment system under the certificate procedure: that is wrong. I can assure my friends that prayer for payment by instalment is always granted. Execution of the certificate procedure is always postponed when there is an acute distress in the locality. But in the civil court once a decree is executed the civil court is bound to proceed with the case. In the certificate procedure it is the option of the certificate officer to proceed with the case or to stay its execution for the time being. Thus one can well understand the advantages of the certificate procedure to the tenants. It has been said that since the passing of the Bengal Tenancy Act power to use the certificate procedure freely has been given to the landlords. But if you, Sir, look into the statement of accounts you will find that that is not the case. In the administration report we find that there are about 118,000 revenue-paying estates——(KAZI EMDADUL HOQUE: No, No, and voices of interruptions).

MR. PRESIDENT: I think, Maulvi Saheb, you should have tolerance: You should give the Raja Bahadur a patient hearing.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: The total number of certificates granted to landlords since the passing of the Bengal Tenancy (Amendment) Act is about 200. Can you think this is too light. Out of 12,500,000 of landholding units if——.

(At this stage, the member, having reached the time-limit, had to resume his seat.)

The motion was put and lost.

The original demand that a sum of Rs. 35,21,000 be granted for expenditure under the head "2—Land Revenue" was put and agreed to.

6—Excise.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 17,75,000 be granted for expenditure under the head "6—excise."

I feel it incumbent on me to explain to the House the fall in revenue which, as stated by the Hon'ble the Finance Member, has proved to be a source of worry to Government. There are no signs of return to the yields considered normal prior to 1930 when the economic depression led to the collapse of provincial revenue. The reasons why the excise revenue is not up to expectations are mainly economic, but it must be admitted that illicit distillation, smuggling and other mal-practices are also important factors in preventing the recovery of the revenue. A review of the position has shown that the solid improvement in the months of April, May and June slackened in July, and this might be attributed to the failure of the monsoon which was first felt in the month of July. Since then there has been a decline from last year's standard, though the recent statistics again show some sign of recovery owing apparently to the improvement in the prices of jute and rice. The distress caused by the failure of crops in Western Bengal has proved a serious handicap. The Burdwan Division, which is the most important Excise Division outside Calcutta and which yields an excise revenue equal to, if not greater than, the rest of the province excluding Calcutta and the 24-Parganas, has been the most hard hit by the failure of the monsoon and this has reacted very materially on the excise revenue of the province. The drop in revenue in Calcutta and in certain districts in North Bengal, such as Jalpaiguri, strongly supports the theory of illicit distillation and other malpractices.

We have recently had occasion to make comprehensive review of the excise revenue in connection with the preparation of a case for the financial enquiry by Sir Otto Niemeyer. Some interesting facts have emerged from this review. It has been found that the Bengal rates of excise taxation are higher than those of other major provinces. The degree of taxation has reached the safety limit in Bengal, and any further increase would prove unproductive and might lead people to take to illicit practices.

During the current year there was no increase in taxation. Measures were, however, taken to introduce with effect from the 1st of February, 1935, increased rates of license fees on a sliding scale for the vend of *pachwai* in the areas in which the settlement of *pachwai* shops by the

fixed fee system is in force, with reduced selling prices at Rs. 16 per maund of rice used in the Asansol subdivision of the Burdwan district and at Rs. 12 per maund of rice used in the rest of the province. The selling price of opium in some shops in the Midnapore border has been reduced with effect from January last to counteract smuggling from Bihar. The Government of Bihar and Orissa have also been persuaded to remove their outstill shops to a distance of more than two miles from the border of the Burdwan district in the neighbourhood of Asansol. Relief has also been given to the vendors of drug shops by the introduction of reduced scales of license fees with effect from 1st April, 1935.

Turning to the expenditure Budget, it will be observed that the demand is higher by Rs. 23,000 than the revised Budget of 1935-36. The chief features of the Budget are explained on page 32 of the financial statement, and I do not propose to take up the time of the House by going into the details of the Budget which provides for normal expenditure.

I shall deal with the item of expenditure amounting to Rs. 26,000 on account of the proposed expansion of the Central Detective Department. The economic depression and the low cost of raw materials for manufacturing liquor, while the price of licit liquor remained high, were causes which gave an incentive to the lawless element in the society to take to illicit distillation and smuggling. As the House is aware, the Central Detective Department was created in the latter part of 1933 to combat this evil. A considerable measure of success was achieved by this department in checking illicit distillation in Calcutta and its vicinity thereby stemming the gradual progressive decline of excise revenue—a feature in the preceding years. In 1934-35 the total number of cases detected was 1,322 in which 1,714 persons were sent up. The value of articles seized amounted to Rs. 28,144 in duty and license fees, while the total amount involved in duty, license fees, fines and composition money was Rs. 55,641 against the total expenditure of Rs. 27,276 incurred by the department excluding the pay of the permanent staff. Complete figures for the current year are not yet available, but the statistics for the 11 months show an increase in the number of cases detected, the figure being 1,747. The number of persons sent up was 1,420 and the value of articles seized amounted to Rs. 27,835 and the total amount including fines and composition money was Rs. 46,137. It is understood that the department has had on hand some important cases the figures of which are not yet available.

The value of detection work, however, must not be judged by figures alone. There is no gainsaying the fact that we are up against a formidable organisation of gangsters who carry on their nefarious trade under the guidance of persons of means working behind the scenes whom it is difficult to bring to book. The *modus operandi* of these elusive gentlemen is such as to call for the highest detective skill, tact

and energy to bring them under the clutches of the law. The activities of inter-provincial gangs which work in and around Calcutta have also thrown a heavy burden of work on the detective establishment. Although the task is heavy, not a small measure of success has been achieved in tackling this class of offender and much remains yet to be done to put down this evil. I do not propose to waste the time of the House by giving details of work done in this direction, but I would ask for the indulgence to mention a few instances to bring home to our critics the enormity of the problem with which Government is faced.

Reference has already been made in the House about the sensational excise distillation case at Gariahat. This case being *sub judice*, I do not propose to go into its details now. I am sure the trial will be watched with interest, and it will then be known what part the officers of the Excise Department played in unearthing this case.

The question of checking illicit distillation has been very carefully considered by Government, and they have decided that the Preventive and Detective Branch of the Excise Department should be reorganised and placed under effective control. Hitherto, the operations of the Central Detective Department had been restricted to Calcutta and its suburbs under the direct control of the Commissioner. Last year its activities were extended to the Asansol subdivision of the Burdwan district more or less as an experiment to deal with the crimes of illicit manufacture of liquor and *pachwai*, and the results were satisfactory. In view of the success of the experiment and of the importance of organising detection work in mufassal districts, it has been decided to cordinate the work of detection of excise crimes and to place it in charge of a Deputy Commissioner. I do not minimise in any way the useful work done by the regular district staff in the mufassal. In 1934-35, 10,302 persons were prosecuted for various excise offences against 11,308 in the preceding year in the mufassal districts, while in the Calcutta district (excluding the activities of the Central Detective Department) the total number of detections and prosecutions were 813 and 741 in the 11 months of the current year against 1,074 and 1,043 in the last year, leaving aside the Gariahat distillery case which goes to its credit. But what I suggest is that a Central Department is essentially necessary for carrying on an intensive and co-ordinated campaign throughout the province somewhat on the analogy of the Intelligence Branch and Criminal Investigation Department Branch of the Police. As to the post of Deputy Commissioner it has been found essential that neither of the two existing Deputy Commissioners would be able to take over this duty in addition to their own. The duties in connection with Matches and Sugar Excise and Tobacco Tax have thrown additional work of an increasing nature on them. The Deputy Commissioner, Inspection and Prevention, is tied down to headquarters, and when he visits the mufassal districts, most of his time is taken up in inspection work,

leaving him practically no time to devote to prevention work. The new Preventive Deputy Commissioner who will be a touring officer will be able to make prolonged stays in the crime areas, to direct the detective energies of the local staff, to reinforce it with the special staff under him to make good local deficiencies and, in other ways, to improve the efficiency of the preventive establishment in general. This officer may also be placed in charge of the Excise Intelligence Bureau. There will be ample work for three Deputy Commissioners, and it is proposed to so allocate the work among them as to avoid overlapping, while placing one entirely in charge of prevention and detection. It may be mentioned here that this scheme was generally approved by the Standing Committee on Excise at a meeting held on the 22nd August, 1935. It will also be noticed that the scheme is temporary for the present. The minimum staff has been provided for; and the total strength of subordinate staff of the department will now be three Inspectors, 6 Sub-Inspectors, 11 petty officers and 40 peons. By the appointment of the Deputy Commissioner, there will be savings in the pay of the Superintendent whose services will not be required. The total cost of the scheme is estimated at Rs. 68,275. I trust the above furnishes a satisfactory explanation of the pressing need of an efficient Detective Department under the supervision and control of an officer of the rank of Deputy Commissioner for the suppression of illicit traffic in excisable articles in Bengal.

The next item is the construction of two motor boats for the 24-Parganas district. These motor boats are required to replace two unserviceable cutters in use in the district. For the efficiency of patrol work, motor launches are essentially necessary. There are no Government motor launches which could be made available to the Excise and Salt Department.

Before I conclude, I may be permitted to mention that although some provision has been made in the Budget for conducting the Gariahat case, it has not been possible to arrive at anything nearing an approach to a correct estimate of the legal expenses that will be involved. The case is likely to be a contested one. I may assure the House that Government will not be lacking in its efforts to bring it to a successful termination.

Babu JITENDRALAL BANNERJEE: I beg to move that the demand of Rs. 65,695 under the head "6A—Excise—Superintendence—Administrative establishment—Pay of officers" be reduced by Rs. 100 (system of granting license for excise shops in Calcutta).

It must be within the knowledge of the members of this Council that formerly, before 1919, excise licences were granted on the auction system. Licences were granted to the highest bidder, and there was no limitation to the number of licences a particular individual might

hold. Also these licences were mostly confined to members of the Suri community. There has been a great change since then. In 1919 the fixed fee system was introduced. When the late Nawab Bahadur Nawabali Chaudhuri was in charge of the Department, he introduced this and other far-reaching changes. The cardinal principles of Excise policy were laid down in a remarkable circular which was then issued. They were, in the first place, the continuance of the fixed fee system; in the second place, the principle of one man one shop to prevent monopoly on the part of any individual and in the third place that licences should be granted to members of the educated *bhadralok* community instead of granting them to members of the Suri community alone. These still appear to be the cardinal principles of Excise policy for the administration of the Department. As regards the fixed fee system, that principle has of course been continued; but so far as the other two principles are concerned, namely, that of one man one shop, and of the distribution of licences to members of the *bhadralok* community, they have been systematically and flagrantly violated in the Calcutta area. Yesterday, in the course of answering a certain question, the Hon'ble Minister admitted that there were at least 10 cases in which the same person had been permitted to hold more than one shop. So far as that statement goes, it is correct, but it is not complete. I can point out at least a dozen instances in which the same person has been permitted to hold half a dozen licences. To quote the names of some of them; there is one Tarapado Shaha who holds six shops; Bholanath Saha, holds four shops; Bhusan Chandra Saha, holds five shops; Pannalal Saha, four shops; Buttakrista Saha with two brothers holds three shops between them. Another man together with his son-in-law holds five shops. Further, as the names will show, they are all members of the Suri community. Therefore, Sir, the cardinal principles laid down by the late Nawab Bahadur are being systematically violated within the Calcutta area under the Minister's own nose, and this serious state of things call for an adequate explanation from him.

There is another point regarding the selection of correct site and location for excise shops. It has been laid down that a grog shop should not be situated in the vicinity of hospitals, educational institutions and temples. Recently a shop has been permitted to be opened at 213-14, Bowbazar Street, not on the main street itself but in a blind lane which is adjacent to the Medical College quarters. A licence was granted in 1928 for the same premises, but on objection being raised by the Principal of the Medical College the licence was subsequently withdrawn. But now after seven years, in spite of the continuance of the same objection, a licence has been granted for a shop in the same premises. This shop is situated in the vicinity of a branch office of the Imperial Bank. There was objection from the manager of the Bank; from the authorities of several educational

institutions situated near it; also strong objection from the Principal of the Medical College. But in spite of all these objections, a licence has been granted for this shop. Then again there is another case. There is a grog shop at Bahir Sura Road near which there is a Sitala temple. This temple is visited by a large number of women of the *bhadrolok* class, and they are subjected to filthy indecent gestures and most objectionable language on the part of the drunkards frequenting the shop. Petitions have been filed before the Collector of Excise signed by hundreds of respectable gentlemen of the locality including the Commissioners of the Municipality; but in spite of that, the grog shop has been permitted to remain there. Lastly, there is another point which I feel some delicacy in mentioning. There are at least two Excise shops which have been settled recently with the near relatives of persons high in office in the Excise Department or in the administration of that Department. I do not like to mention names. But the Hon'ble Minister is cognizant of the facts, and the facts are so serious that they do demand an adequate and complete explanation from him

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There are two principal points in the arguments put forward by Mr. Bannerjee in support of his motion. The first is that the principle of excise licenses being granted to educated young men is being deviated from. I do not admit that charge. There is a circular that whenever there are opportunities of settling shops with educated young men, they should be given to them, and that principle is being systematically followed. But the House is aware that these educated young men often have not got sufficient capital at their disposal, and that they apply for licenses with some of the Suris or other capitalists belonging to the liquor trade as co-partners, and in those cases the Collector of Excise finds that it is much better to settle the shop with a person who has got sufficient capital at his disposal and who will be able to devote more time to the management of the shop than the other who will only take it *benami* and is not able to devote sufficient time and attention to the shop. But whenever there are suitable candidates from the educated *bhadralok* class, their claims are duly considered.

Mr. Banerjee alleges that the principle of one man one shop is being deviated from. I also deny that charge. Government have always retained the discretion of settling more than one shop with one and the same licensee. As I told the House yesterday, there are altogether ten such cases where more than one shop has been given to one individual or one firm. The principle underlying this policy is that the licensee should be present at his shop to conduct its business, but if the licensee is in a position to manage without his presence or if the licensee happens to be a limited company, the question of personal attendance does not arise, and there Government

do not find any objection in settling more than one shop with one individual or firm. Moreover, in certain cases in which some of these licensees have been in possession of their licenses for a long time, and unless their licenses become inoperative either by death or due to some other ground, Government have no opportunity of taking away those licenses from those individuals or firm or families and to give them to others. So it will take some time to give effect to this policy of one man one shop. It is being gradually done, and unless there are special cases where the settling of more than one shop is fully justified, Government do not do so.

As regards the question of site and location of shops, the question rests entirely with the Licensing Board of Calcutta. The Licensing Board is a very competent and representative body. There are representatives of Government, there are representatives of certain Chambers of Commerce, and there are representatives of the Calcutta Corporation. The site and location of a shop is determined entirely by that body, and Government are guided by their advice. During the last three years, there were 23 protests against the recommendations of the Licensing Board. Of these, 17 objections were overruled as frivolous, as most of these objections were inspired by interested parties, and on scrutiny Government found them to be absolutely baseless objections. In the other six cases, the objections were allowed.

For the information of the hon'ble member I may say that I took particular care in laying down the principle that no shop should be allowed to be opened near a mosque, or temple, or school, or hostel. In the vicinity of such public places, no shop is allowed to be opened. The site is first inspected by the Collector of Excise, and then it is inspected by the members of the Licensing Board, and it is on their recommendation that the license is granted and the shop is allowed to be opened. So, the matter is absolutely under control.

Mr. NARENDRA KUMAR BASU: What about the two instances mentioned?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, I am coming to that. I know of the objections that have been put forward by the Principal of the Medical College. The matter is now under consideration. The license has been granted only provisionally to prevent loss of Government revenue. There was a shop somewhere in the Bow Bazar Street and the license of that shop has been cancelled, and it has been transferred to a new site. I have also asked the department to consult the Principal of the Medical College and other persons of the locality and find out their views in the matter. And I can assure the hon'ble member and the House that the license will not be finally granted without considering the opinion of the people of the locality. As I have already said, the license granted is purely provisional to prevent loss of Government revenue.

Now, Sir, as regards the Suri class; I hope Mr. Bannerjee does not condemn the Suris as outcastes. I think we have passed that stage of society when the Suris used to be looked down upon, fortunately they are no longer done so, and they are as much *Bhadraloks* as others are. So, if they are found to be eligible otherwise, merely because they belong to a particular class or community, their claims cannot, and should not, be ruled out.

With these words, Sir, I oppose the motion.

Babu JITENDRALAL BANNERJEE: In view of what the Hon'ble Minister has said, I beg leave of the House to withdraw the motion.

The motion was, by leave of the House, withdrawn.

Mr. S. M. BOSE: Sir, I beg to move that the demand of Rs. 63,695 under the the head "6A—1—Excise—Superintendence—Administrative establishment—Pay of officers—Others gazetted officers" be reduced by Rs. 100 (complaints about work of department and Swan Committee's recommendations).

While speaking on the Budget the other day, Mr. Thompson suggested certain things about improving the Detection Branch, and I also wish to make some suggestions in that connection. We have just now heard with great interest as to the steps the Hon'ble Minister wants to take to reorganise the Central Detective Department. As regards the past, he is of opinion that the results have been quite good and satisfactory, but, Sir, I do not agree with him. For many years in this Council and outside, we have heard of complaints about the working of the Excise Department, but we did not then pay serious attention to them. But the recent excise cases, to which the Hon'ble Minister has just referred, have shown that there was substance in the complaints which have been raised so long. I am not here concerned with the merits of the pending cases, nor can I make any comments thereon. But I do say that whatever be the truth of the allegations made against the department in these particular cases, the very fact that Government are vigorously taking steps in this matter and spending large sums of money shows beyond doubt that Government admit by their conduct that there is something wrong in the administration of the Excise Department. It is beyond question that there has been very serious illicit distillation on a large scale carried on for several years in the heart of Calcutta. The very fact that a case has had to be instituted shows that the working of the department has not been satisfactory. For years Government were aware of the fact that illicit liquors have been manufactured on a large scale, and they have asked us for, and have got from us, large sums of money for fighting this evil. Let me give the figures under the head "Superintendence" for the last three years. In 1933-34, the actuals under "Superintendence—Excise" was Rs. 81,500. In 1934-35, the original estimate was Rs. 1,29,000; the

revised estimate was Rs. 1,52,000; and the actuals were Rs. 1,54,500. The original estimate under the same head for 1935-36 was Rs. 1,81,000 which means that there was an increase of Rs. 26,500 over the actuals of 1934-35. The estimates for 1936-37 come up to the extraordinary high figure of Rs. 2,16,000, an increase of Rs. 35,000 over this year's estimate. The estimates under "Superintendence" for 1933-34 were only Rs. 81,000; the estimate for next year is Rs. 2,16,000. In the Red Book for 1935-36 (page 30) it was stated that "the increase under "Superintendence" is due to the formation of a Central Detective Department to check the growth of illicit distillation." Every one is aware of the great increase of this evil and nobody grudges money for stopping it. On the 14th March last year, I moved a cut motion about the formation of the Central Detective Department and asked the Hon'ble Minister to explain the reason for the increase under this head and to inform us whether it was justified by the results obtained. In reply, the Hon'ble Minister gave us an assurance that this increased expenditure was fully justified by the result and said that Government decided last year to start a Central Detective Bureau to check illicit distillation in Calcutta and suburbs and I quote his words: "This has produced a very desirable effect in checking illicit distillation and also in increasing the revenue of Government." He further went on to say: "That the creation of the Detective Department has proved very successful in checking the evil and the increase of Rs. 3½ lakhs in the excise revenue was mainly due to *inter alia*, better detection." On this observation, I withdrew my motion, but what do we find now? Government by the mere fact that many prosecutions are going on, admit that illicit distillation on a very large scale has been going on in Calcutta for some years and that the offence is of an all-India character. They must be taken to admit that their Detective Department has been unable so long to find out that in the heart of Calcutta illicit distillation was carried on for a pretty long time. Government, therefore, must admit that superintendence has been very ineffective. The very large sum voted by us for the Detective Department has been spent fruitlessly. In Calcutta we find there are no less than six highly paid officers (the number has been raised from five in 1934-35), two Deputy Commissioners, ten Superintendents, ten or eleven Inspectors who are mostly engaged in detection work. I submit the result does not justify the large increase of expenditure under the head of "Superintendence." The obvious comment must be that the work, to say the least, was inefficient. What is the work of the Collector of Calcutta? He is as Deputy Commissioner, the head of the Excise Intelligence Bureau. What work has been done by the members of the Central Detective Department of whom the Hon'ble Minister spoke so highly last March? There can be no doubt, I submit, that the work of the members of the Excise Department in Calcutta has been very unsatisfactory, and I would request the Hon'ble Minister to be so good as to tell us what

steps had been or are being taken to find out who has been remiss in the department and what punishments are being meted out. When public funds have not been well spent or misspent, and when further there has been a great loss of public revenue, a strict enquiry is called for. It is cold comfort for us to be told, as we have been told by the Hon'ble Sir John Woodhead in his Budget speech a few days ago, that the loss of Government revenue has fallen mainly on the Government of India. That is not the answer. The remedy, I submit, is to adopt the suggestion made by Mr. J. N. Basu in his note attached to the Swan Committee's report. There he said that there should not be a separate Excise Department with a separate staff, and that this should be made a branch of the Revenue Department, as at present there are too few openings for advancement in the Excise Department. If it were a part of the Revenue Department, they would have a large number of appointments of high status and substantial pay open to them. He pointed out that a close excise service not only results in duplication of staff, but the efficiency and integrity of the service may also suffer. That is exactly what has followed. The efficiency and integrity of the service have suffered, and I ask the Hon'ble Minister to say what steps are being taken to improve the work of the Excise Department.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose the motion. In my opening speech, I tried to explain fully the magnitude of the problem which Government have got to face. These smugglers and illicit distillers are being financed by rich people whom it is difficult to detect easily, and as I said it requires the skill of a highly intelligent, highly tactful and highly efficient Detective Department to bring these people to book. The problem is widespread, and it has been partly helped by the economic depression that has been prevailing and partly because of the lawlessness as a result of the political upheaval we had in Bengal since 1930. The Excise Department has been trying, and I submit has been trying their utmost, to tackle the situation as best as they can with the staff and money at their disposal. I might say without fear of contradiction that the department is understaffed of course more so outside Calcutta than in Calcutta, and that there is some amount of overlapping of work and responsibility. That led Government to introduce the special detective staff in 1933, and I reiterate what I said on the last occaston about the good work done by the department. There were big detections which led to the big *charas* case, a big opium gang case and ultimately to this Gariahat case. However much the officers of the department might be criticised and however much Mr. Bose might level the charge of inefficiency against the officers of the department, it was they and they alone who were responsible for the detection of the Gariahat case and the credit must go to them. (MR. P. BANERJI: Not at all.) The department came to know of this illicit organisation as early as February, 1935, but the distillery was not working; it was dormant,

and we had to wait till it actually began to work, and I understand that within two days of the distillery being worked, the detection followed. So it cannot be said that the department were unmindful of the situation in Calcutta. I have quoted certain figures which conclusively show the large number of persons that have been sent up, large number of detected cases and quite a large number of convictions. I venture to submit that they are substantial proofs of the department's activities in checking the illicit practices. The problem is an increasing one, and Mr. Bose must remember that Calcutta is a cosmopolitan city, it is a growing city with its growing problems, and the Excise Department has got its share of the trouble and worries. With the problem increasing, Government had to come to this House for strengthening the department. They did so in 1933; the result was very satisfactory, and the result is being maintained and Government, on those results, decided to extend the activities of the department outside Calcutta. With this object in view, they have come forward with an additional demand for Rs. 23,000, to have a Detective Department for the mufassal under a special Deputy Commissioner, and I hope that this money will be sanctioned, and if it is sanctioned, it will be well spent.

The result of this Gariahat case will, I hope, fully justify the confidence placed by Government in the Detective Department and in the superintendence of the department. I can assure the hon'ble members that no effort is being spared to control the situation as best as possible, but the problem is of very great complexity, and it is not easy to tackle it within a very short time or with a very limited staff. Outside Calcutta the problem is of still greater complexity. In a district like Mymensingh with 56 thanas, with difficulties of communications, with places full of jungles divided by wide rivers, hillocks and other suitable places of hiding, the department naturally finds it difficult with the very limited staff at its disposal to trace the malpractices. I am afraid the time is not far distant when Government may have to come up to this House for substantially strengthening the mufassal staff in order to safeguard Government revenue. In any case, with regard to the Calcutta situation and the situation in the vicinity of Calcutta, considerable steps have already been taken, and I would request Mr. Bose to withdraw his motion on my assurance that the work of the new staff will be carefully watched and guided, and that will, I hope, be followed by substantial and satisfactory results. With these few words, I oppose the motion.

Mr. S. M. BOSE: In asking the leave of the House to withdraw my motion, may I be permitted to say that I am fully alive to the great difficulty of the problem, and I would ask the Hon'ble Minister to exercise adequate vigilance.

The motion was then, by leave of the House, withdrawn.

Mr. P. BANERJI: I beg to move that the demand of Rs. 2,16,000 under the head "6A—Excise—Superintendence—Administrative establishment" be reduced by Rs. 100.

Sir, the object of my motion is to draw the attention of Government to bribery and corruption prevalent in the Excise Department. It is a well-known fact that there are bribery and corruption in this department as also in other departments of Government. To-day the Hon'ble Minister, while moving his motion for demand, was not at least as much sure of his position as he was last year, because his argument was very feeble. Face is the index of mind and anybody looking at the Hon'ble Minister's face noticed that his position was not tenable this year. He brought forward the argument that young men were not given licenses because they had not sufficient funds. I know of certain young men who applied for excise licenses and, on enquiry, as to whether they had sufficient funds, I found that such funds were necessary only to bribe the department for the purpose of getting a license. Sir, 16 years ago the principle of one man one shop was adopted, but to-day the Hon'ble Minister has admitted that one man has been given even six shops. In granting licenses, the only thing that is taken into consideration by the department is the financial condition of the applicants, so that they might pay sufficient money to the department. Licenses are even granted to uneducated people who can pay sufficient money to the department. That is the criterion of the Excise Department.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: On a point of enquiry, Sir. What is his allegation? Is it the department or the officers of the department who take sufficient money?

Mr. P. BANERJI: He will come to learn it when I shall explain my point later. That is one point. Another point to which I should like to refer in this connection is that even the Hon'ble the Finance Member in his Budget speech said the other day that on account of illicit distillation that had been detected, there was no loss of revenue to Bengal, but there was loss of revenue to the Central Government. This illicit distillation was detected early in 1935, but we know that there was a rumour in Calcutta that this state of things existed for a pretty long time, and we often brought it to the notice of Government asking them to be on the alert. Now, there is a difficulty in connection with the detection of this distillery, and it is this: The Hon'ble Minister has assured the House that Government will take the necessary step to punish the gang. But there is a strong rumour that on account of a very high official of Government being implicated in this case, an attempt is being made to hush up the case. We also hear that some of the persons who were instrumental in discovering this distillery are going to be dismissed. I wonder why such a rumour should

be afloat unless there is some truth in it. Therefore, I suggest that Government should see that the persons who had some hand in detecting this case are not dismissed. My point is that so long as the twin-sisters, the Police and the Excise, were working hand in hand this illicit distillation was not detected, but fortunately there has been some difference of opinion between the two departments and, as a result of that, this case has come to light.

Mr. PRESIDENT: You had better not dilate upon that point. The case is still *sub judice.*

Mr. P. BANERJI: I am not going to mention any detail or any name, but I am only stating what the rumour is. The rumour is that there is a systematic attempt to hush up the case. Government must see that this case is not hushed up. Whenever we suggested to Government anything very important, they always repudiated that and said that they were *sab-janta,* and in this connection I can excuse the Hon'ble Minister, but certainly I cannot excuse the other Members of Government when they were drinking Gariahat water and thinking always of the Johnny Walker——

Mr. PRESIDENT: Order, order. You are now referring to details, and I have already warned you not to do that. No details should be discussed as the case is *sub judice.* You might say that you want a fair trial; you might say that the case should not be hushed up; you might say that the people who had been detected should go through proper trial. That does not prejudice the court; but you cannot refer to any specific detail in your argument and comment on it.

Mr. P. BANERJI: I am not going into any detail. I am only saying——

Mr. PRESIDENT: Please remember the ruling that I have given. You must not make any attempt to prejudice the Judge who is trying the case. You must not bring any specific instance or detail before the House with a view to prove or disprove the case.

Mr. P. BANERJI: What I am saying is whether it is not a fact that liquor was manufactured——

Mr. PRESIDENT: Order, order. I do not allow you to say that.

Mr. P. BANERJI: Then how, Sir, were these hon'ble members permitted to bring in the name of illicit distillery at Gariahat? What I submitted to you was that Johnny Walker was manufactured at Gariahat——?

Mr. PRESIDENT: Will you give up that point please?

Mr. P. BANERJI: I have not understood the difference between the statement that has been made by the other members and the statement——

Mr. PRESIDENT: Of course, it is rather unfortunate that the Hon'ble Minister and one or two other speakers have referred to that case. It would have been better if I had restrained them, although they confined themselves within certain limits. You are decidedly off the rails.

Mr. P. BANERJI: I shall try to keep myself within the same limit as the Hon'ble Minister.

Mr. PRESIDENT: But I am to judge that and not you.

Mr. P. BANERJI: Anyway, I was submitting to you that the Johnny Walker manufactured at——

Mr. PRESIDENT: No more of Johnny Walker! Johnny Walker has evaporated from this House! (Laughter.)

Mr. P. BANERJI: Anyway, I would submit that British and French liquor were manufactured in Bengal——

Mr. PRESIDENT: Order, order. You cannot say that. I have given a definite ruling on that point. I appeal to your reasonableness not to refer to anything which might prejudice the Judge who is trying the case.

Mr. P. BANERJI: Sir, the facts are there.

Mr. PRESIDENT: But the facts have not yet been proved or disproved.

Mr. P. BANERJI: Supposing that there was this illicit distillery it must have then existed for more than four years. To-day the Hon'ble Minister has come forward to give credit to and to stand by those persons who have not been in a position to find out this illicit distillery for the last four years, as now alleged, and he wants us to believe that it came to the notice of Government only in 1935. That clearly shows that bribery and corruption exist and existed hopelessly in this department for many many years. In giving credit to those persons who detected the existence of this distillery, the Hon'ble Minister forgets that it is the duty of the department to detect it, and if they could not

do it, they were liable to censure. The Hon'ble Minister has said that the officers of the department are very efficient. But, Sir, in spite of their being efficient, the fact remains that this thing was not detected so far, and I can tell the House that even to-day this sort of smuggling is still going on in Calcutta. There are a thousand and one cases of smuggling of excisable articles every night, but the officers of the department do not care to enquire into them, and why? Because there is bribery and corruption prevalent in the department. I, therefore, maintain that this department is very much corrupt and suggest that the Hon'ble Minister should personally enquire into the matter and not depend entirely on the report of these officials who are hopelessly corrupt. Now, you may say that some cases have been detected, but I do say that there are 99 such cases still in existence to-day for detection. You know that during the last seven years I have been bringing to the notice of Government cases of bribery and corruption in the Calcutta Police and elsewhere, and the result has been that Government have taken steps in the matter, and I consider that there is some improvement in the situation now. If the Hon'ble Minister, too, will take similar steps, and, if instead of employing men, as he has suggested just now, of his own department, he employs the Criminal Investigation Department for this purpose, men who are not in any way interested in the Excise Department and whose services will not be dependent on the good reports of the officers of the department, I do consider that things will much improve. Then, again, there must be frequent changes in the personnel of the important posts. We know that one officer is kept in one post for a pretty long time. This is the practice both in the Calcutta Police and also in the Excise Department—there is not frequent change in the personnel of the posts. If there were frequent changes, many irregularities would have been disclosed. So, if there are frequent changes in the postings of excise officers, bribery and corruption will cease or will be brought to light from time to time. With these few words, Sir, I move my motion.

Maulvi ABUL KASEM: Sir, my friend, Mr. P. Banerji, began his activities in 1929, and I am glad to find that he is still going strong. Sir, although there is a good deal of feeling in this matter, and my friend has been very eloquent in denouncing corruption and bribery, yet I must, without any offence, express my feeling that it is rather an abuse of our privilege to make general, vague and drastic denunciation of the officials of Government, who are, after all, public servants. There is no doubt—I have, of course, no definite knowledge, but it is only my guess-work—there is no doubt that there are black sheep in every sphere of life, whether in the public service or outside it; but to make a general denunciation and allegation that high officials of Government are bribed, and for this reason they want to suppress, if I may say so, cases or things like that, is rather an abuse,

as I have said, of our privilege as members of this House. There has been—and there will always be as long as the world lasts—some bribery and corruption in every walk of life, but to say that officers of Government—and particularly excise officers—are, as a body, more or less, more corrupt than the rest of the people is not right. My friend has said that there are serious cases which have come to his notice. In that case, I think, as a public man and as a member of this Council, it was his business, and if I may go further, it was his duty, to bring to the notice of the department specific cases instead of denouncing the excise officials on the floor of this House and then wait for action.

Mr. P. BANERJI: It is your own business to do these things by the back-door method.

Maulvi ABUL KASEM: There is no question here, Sir, of the back-door or any other method. If I have a complaint—and I hope the Hon'ble Minister for the Medical Department will bear me out—if I have a specific complaint to make, to write demi-officially regarding that to any Member of Government is not a back-door business; back-door business is quite a different matter. But instead of doing that and drawing the notice of Government or of responsible officers to such matters, to come here and to denounce the whole body of excise officers is hardly justified. Mr. P. Banerji has himself said that certain people of the Excise Department detected the illicit distillation of liquor or something of that kind, but that for fear of losing their appointments they did not disclose the information, because high officers of the department were interested in the matter. That is a statement which should be contradicted, and I am contradicting it. (MR. P. BANERJI: It should be contradicted by the Government.) Whether by or for the Government is not the question. Here, we are responsible people who have to make statements with a certain sense of responsibility and not talk at random because we are privileged to do so. If members of the Excise Department detected illicit distillation, or whatever it was, how can you denounce the whole body of men as corrupt and dishonest? This is a contradiction in terms. There may be people who are guilty of corruption, as I have said before, in all walks of life, and I can also say that there is corruption in this world with men in power and in politics.

As regards the question why it took four years to find out that illicit distillation was going on——

Mr. PRESIDENT: You need not go into that.

Maulvi ABUL KASEM: But, Sir, Mr. P. Banerji has referred to that.

Mr. PRESIDENT: But he was restrained; you need not go into that any more.

Maulvi ABUL KASEM: The only thing that I have to say is that the department requires a little looking after, and that the Hon'ble Minister should try to make the officers of the department, high and low alike, like Cæsar's wife, above suspicion.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I rise to say, a few words about the effect of the administration of the Excise Department in Calcutta. I must at once say that during the last few years we have realized that there has been some improvement in respect of the prevalence of bribery, corruption, etc. Personally, Sir, I do not think that Mr. P. Banerji is justified in making this sort of denunciation against anybody and everybody in the Excise Department. I understand, Sir, that the excise administration in Calcutta mainly depends upon two bodies, viz., the Collector of Excise and the Licensing Board. So far as the Collector and his staff are concerned, I must admit that there has been a good deal of improvement during the last few years. I remember, Sir, that ten or fifteen years ago there was a prevailing feeling that if you wanted to have a grog shop, all that you had to do was, somehow or other, to insinuate yourself into the good graces of the Collector and his subordinate staff. I must admit that that feeling has now passed away and that the people who now want a license have realized that the days that existed twenty years ago have now gone away also. The Collector, the gentleman who is now holding the post, and his predecessors are all known to us—men who are absolutely incorruptible. Besides, those who are now in search of grog shops or who want a license have realized that the decision does not lie with the Collector and his subordinate staff, but with another body, viz., the Licensing Board. We have our quarrels with the Licensing Board, but I can quite boldly say that the Licensing Board, as it now exists, cannot be accused of corruption. Certainly not. We have our quarrels, and some of us who are associated with the Excise Department as representatives of the Temperance Federation had our quarrels when the Government appointed the present Licensing Board. But that is a different story. I must admit that the present Licensing Board does not meet with the approval of the people of Calcutta, but at the same time we must admit that the Licensing Board consisting of eminent men at the present moment is such that no accusation of corruption can be levelled against them.

Mr. NARENDRA KUMAR BASU: On a point of order, Sir. Is the Licensing Board any part of the excise administration in Calcutta?

Rai Bahadur Dr. HARIDHAN DUTT: It may or may not be a part of the Excise Department, but it has a great deal to do with the excise administration iu Calcutta.

Mr. PRESIDENT: I do not think any attack of this description was launched upon this body. So you need not dwell on this matter.

Rai Bahadur Dr. HARIDHAN DUTT: At any rate, what I feel is that the atmosphere which produced corruption and bribery iu Calcutta has improved, but what I do feel at the same time is that there is some amount of mismanagement which I may say leads people to think that there exists some corruption somewhere. I may refer in this connection to the sale of alcohol at midnight. If a man wants a bottle of alcohol, there is no difficulty for him to get it. I personally know that that is not due to any corruption or bribery on the part of the officers of the Excise Department, but the reason has to be sought somewhere. Generally speaking, people cannot make a distinction between this and that, and they, therefore, say that the Excise Department is corrupt and that bribery goes on there. So, what I feel is that the Excise Department ought to look into this matter and try to find out how alcohol can be obtained simply for the asking, provided you pay a little higher price at night when its sale is prohibited. If efficient steps are taken the suspicion that there are bribery and corruption and things like that going on in this department will thus to a great extent be minimized, if not altogether done away with. Sir, the other day we have heard that there are a good many people who are carrying on the sale of illicit liquor at night and who earn a good amount of money through this means. I would like to know from the Hon'ble Minister what steps the department has taken to put down that sort of thing. It is a notorious fact which cannot be ignored that if a man wants a bottle of wine at 12 o'clock in the night, all that he has to do is to go to certain quarters and certain people and pay 25 per cent. more than the actual value, and he will get it. This is one of the things to which I wish to draw the attention of the excise authorities.

There is another thing, Sir. My friends must have noticed that very recently some night clubs have sprung into existence in Calcutta —of course, I am not going to mention any names. Some of these clubs are nothing but drinking booths where wine can be had at night. Why the Excise Department cannot take steps to put them down is a thing which I cannot understand. It may not be due to bribery or corruption, but all the same the people expect the Excise Department to take steps to put an end to these things, so that, perhaps, for the laches of other people the excise officers may not have to bear the brunt of this evil name and suffer under suspicion of bribery and corruption. As I have already said, Sir, I must admit that during

the last few years there has been a decided improvement in the working of the Excise Department, and a part of the credit of this is certainly due to the present authorities of the Excise Department.

Mr. K. C. RAY CHOWDHURY: Sir, I will not take much time of the House, as most of the points that have been raised by Mr. Banerji have already been replied to. I would like to point out that the sale of liquor is carried on at night not on account of the corruption of officers, but because of the existence of corrupting agents, and the number of such people who go about and obtain liquor at night after closing hours is many. I know, Sir, that complaints have been made by excise officers that corrupting agents through the help of lawyers and solicitors and even Council Members have been going about. I was a member of the Licensing Board, and as such I know of this state of affairs existing in Calcutta. Rai Bahadur Dr. Haridhan Dutt was a member of the Licensing Board, and it is strange for him to say that the member of the Licensing Board have any hand in granting licenses. The Licensing Board has nothing to do with that; they simply consider the question of site and location of shops and nothing else. It is the police which is responsible for the detection of night sales. Sir, if a man wants to have a drink at any time at night, he will have it by any means, and this can never be stopped by the appointment of detectives. Then from the point of view of temperance, it will serve no useful purpose to prevent sales of liquor at night. Most of the respectable clubs are supposed to close their shops at a certain hour at night, but I know of cases where on receipt of a telephone call after that hour, they have surreptitiously supplied liquor. You cannot blame the excise officers for that; I do say, Sir, that the morale of the officers of the Excise Department has materially improved. There is not the least doubt about that. The fact that excise matter is discussed in this Council and, that steps are taken as a result of such discussions, has made the officers almost tremble before they think of accepting an illegal gratification. I also know, Sir, that excise officers all over Bengal are afraid of Council questions and ministerial interference and of circulars from the headquarters. We are thankful to Mr. Banerji for bringing this to the notice of the public, and I say that this will bring about a better result than any definite policy that he is anxious to see initiated in the matter.

Mr. NARENDRA KUMAR BASU: I must confess that the debate has been rather a bewildering one to me. Mr. Banerji started almost by saying that all the officers were corrupt. Then the defenders of the department have got up and said: Well, some of them are taking bribes; and the last speaker has said that because of Council questions and because of ministerial despatches and circulars, they have stopped taking bribes. Personally speaking, I have no knowledge of the

matter, and I was just waiting to get what light I could from the speakers before me. Rai Bahadur Haridhan Dutt said something about the Licensing Board which I understood was not a part of the department and was not included in the charges made by Mr. Banerji. Mr. Ray Chowdhury got up and said, members of Licensing Board are bribed by lawyers and solicitors. I am surprised that he should have the hardihood to say that lawyers and solicitors go about bribing the members of the Licensing Boards. In this connection, I should like to refer to the homily of Maulvi Abul Kasem that it was the duty of Mr. Banerji to bring the malpractices to the notice of the department, and say that it is equally the duty of Mr. Ray Chowdhury to bring these lawyers and solicitors to the notice of the proper authorities. With great respect to the previous speakers, the one feeling that emerges from this discussion is that though there has been a great deal of improvement in the morale of the services during the last few years, much yet remains to be done. As I have said, there is nothing I know of personally, but that is the feeling of everyone after hearing the speeches of members having an inside knowledge like Rai Bahadur Dr. Dutt and Mr. Ray Chowdhury.

Mr. K. C. RAY CHOWDHURY: May I offer a personal explanation, Sir? I am not a member of the Licensing Board, and I have not got to face any temptation. I never said that any attempt was made by lawyers and solicitors to corrupt the members of the Licensing Boards. What I said was that lawyers and solicitors were appointed by offenders to influence the officials.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I find it difficult to meet the allegations of Mr. Banerji. They are vague, colourless and very sweeping. If they were specific and pointed, Government would have been glad to enquire into those charges. It is very difficult to meet arguments like those put forward by the hon'ble the mover that all the departments of Government are corrupt including the Excise Department. Sir, if the whole Government are tarred with one brush, they can only be pitied, and nothing more need be said about those allegations.

Sir, I had occasion to say in reply to Mr. Basu's motion that Government appointed the Special Detective Department to check illicit distillation, and they now propose to extend its activities outside Calcutta. I may inform the House that Government are very vigilant about the work of the Special Department, and this department has been placed directly in the charge of the Excise Commissioner himself so that he can supervise and guide the activities of the department, and he does so personally. I repudiate the charge that an attempt is going on to withdraw the prosecution against the accused persons in connection with the Gariahat case. No such rumour has

yet reached Government, and I hope there is no foundation of it. I can assure the House that there is none. I may repeat that Government are taking elaborate steps and will spare no efforts to bring this case to a successful termination.

Sir, Mr. Banerji suggests that like the Criminal Investigation Department of the Police, there should be an Excise Criminal Investigation Department. We have just begun the experiment with the Special Department, and if necessary, and if experience shows that the present arrangement is not sufficient, Government may have to extend Special Department and create a Criminal Investigation Department like that in the Police Department. I am grateful to Maulvi Abul Kasem and Rai Bahadur Dr. Dutt for all they have said about the morale of the Excise Department during the last few years. That is also the experience of Government. It is improving and improving very rapidly.

About the sale, illicitly, of liquor after a particular hour at night by some of the clubs, I may point out that the clubs take no license for the sale of liquor and so long as they do not sell to non-members they do not violate the excise law. There have been police and Excise raids on so-called clubs to check such abuses. The law which they break is in connection with the sale to outsiders, that is, to non-members of the clubs, and it is for the Excise Department to keep them under check. And I am sure the Commissioner of Police is also very vigilant about it, and he too takes steps to counteract such tendencies. It is very easy for any body to make vague insinuations throwing mud on the officers of the department. I hope Mr. Banerji will think of the effect of his speech in this House. It may give the impression that all the officers of the department, high and low, are open to bribery and corruption, irrespective of their position, irrespective of their education, irrespective of their status in life. The effect of such observations is certainly very unfortunate, and that should be condemned by every responsible person in this House and outside.

With these few words, Sir, I oppose the motion.

The motion was put and lost.

Babu PREMHARI BARMA: Sir, I beg to move that the demand of Rs. 2,16,000 under the head "6A—Excise Superintendence" be reduced by Rs. 100 (to criticise the action of the Government in allowing country spirit licenses to be held by practising lawyers and engineers).

Sir, so far the Government have stated that their excise policy consists in providing employment for the greatest number of unemployed, educated and respectable persons, by granting excise licenses. This assurance, I understand, has also been renewed by the present Hon'ble Minister in charge of Excise. And if such be the declared policy of

the Government, one may rightly hope that such policy has been honestly followed, and hitherto excise licenses granted must have been given to persons who are really in search of employment. Certainly, one would be naturally disappointed if one finds that in Calcutta, excise licenses have been granted to persons who are actually practising lawyers and engineers. This is contrary to the excise policy of the Government. If I remember aright, when Mr. G. P. Hogg was the Commissioner of Excise, Bengal, in 1924, he issued a circular to the effect (circular No. 8121-8148E., dated the 24th January, 1924) that officers should be particular about granting excise licenses to anybody who was a pleader or a professional man or holding any appointment already, or who would "endeavour to carry on some other business with the licensed shop as a standby." Perhaps, Mr. Hogg issued this circular with the object that persons who are already holding an appointment or who might get a chance elsewhere, might not deprive a really needy person of his legitimate chances. Secondly, country spirit and drug vendors who are strictly under law obliged to sit in their shops, may not regularly attend their shop to ensure better management and keep a watch over their salesmen instead of leaving their business to them. Rule 197 of Bengal Excise Manual, Volume II, on page 92 also enjoins that in the matter of granting excise licenses "a man who personally manages his shop should be preferred as a licensee to one who does not do so and particularly to an absentee, who holds a number of shops often scattered through several districts. It is a common practice for an absentee licensee of this kind to make his salesmen to pay him a certain sum per gallon or seer of article sold and to leave them to make what they can over and above this sum. All arrangement of this kind is a direct inducement to the salesmen to resort to illicit practices —such as dilution, giving short measure, the use of false weight, and charging excessive prices.....Unless close supervision is exercised by an honest vendor, illicit practices must almost inevitably occur, and close supervision is impossible unless the vendor is personally present in his shop most of the time it is open." Even the Hon'ble Minister admitted in his Council Speech, dated the 14th March, 1933, that "excise revenue was naturally an elastic one and close supervision over shops and subordinate staffs was always necessary to minimise the chance of leakage." Sir, although, attendance in an excise shop is essential, I do not know for what reason on earth these licensees are exempted from attending their respective shops, while other licensees are compelled to sit in their shops on pain of cancellation of their licenses. For reason of their not attending their shops, the management of these shops is naturally expected to be far from satisfactory. One of the licensees even had his license-once cancelled, but he got it back on appeal. Sir, the principles followed should of course be uniform. What justification is there for granting excise licenses to a professional man actually clinging to his profession or calling in contravention of the general principle of the Excise Department. Sir, I

raise this discussion with a view to invite the attention of the Hon'ble Minister to this state of affairs prevailing in the Excise Department. I would request the Hon'ble Minister to direct an enquiry into the matter and in all fairness to see that licenses are withdrawn from such persons at the time of renewal. Sir, with these words I commend my motion to the acceptance of the House. I can also give instances of licenses being granted to engineers, and these are—

(1) Babu Mahitosh Shaha, the vendor of the country spirit shop at 6, Wellesley Street, Calcutta, is an engineer. Besides his holding the license of this shop, he runs an engineering business. He is also working as a paid engineer in the firm of Messrs. B. K. Paul and Co., Ltd. He has got a *pachwai* license in the name of his son in the district of Burdwan. As he is exempted from attending his shop, he seldom sits in it and looks after it. He has been several times fined for using short measure and once his license was actually cancelled. But he got it back with a fine on appeal.

(2) Babu Satya Kumar Saha, the vendor of the country spirit shop at 1, Convent Road, Calcutta, is a pleader. Besides his holding the license of this shop, he is regularly attending law courts. He is a registered legal practitioner in the Alipore Judge's Court. He is also, as a matter of favour, exempted from attending his shop, and therefore he seldom sits or looks after it. The management of his shop is nevertheless bad. He was fined on several occasions for misconduct.

(3) The licensee of a country-spirit shop in Grand Trunk Road, Howrah, is a law student. He is exempted from attending his shop.

(4) There are many other instances, which may be revealed if an enquiry is made.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. I may, however, assure the hon'ble member that Government do not propose to deviate from the policy that excise licenses should not be granted to practising lawyers and engineers. From the information at my disposal, there are three lawyer licensees in Calcutta, but they are all non-practising; there is one engineer, but it is not shown whether he is practising or not. I shall enquire into the matter. There is none in the 24-Parganas. In view of what the hon'ble member said, I would ask the Excise Commissioner to go into the matter carefully and to see that in no case licenses are granted to actually practising lawyers and engineers.

As regards the exemption of *bhadraloks* from attending the shops, it might be remembered that at the beginning of the debate to-day, there was a demand from certain sections of the House that more

licenses should be granted to the *bhadraloks* in preference to *Suris*. But Government make no distinction between a *bhadralok* and a *Suri* in this matter if the latter is otherwise eligible, though the tendency is to give suitable opportunities to unemployed *bhadraloks* and to consider their cases favourably. With that object in view, Government reduced the initial deposit from one and a half month's fees to 15 days, in order to give facilities to the *bhadraloks* who, as I said, have not the necessary capital at their disposal. These *bhadraloks* insist on being exempted from attending the shops and that is one of the difficulties which stand in the way of Government's accepting *bhadraloks* as licensees. The Excise Department have got to use their discretion. Where the absence of the licensee is not likely to affect materially the management of the shop, they are prepared to accommodate the *bhadralok* licensees, and that is why in some cases exemptions are granted. I understand that the general view of the House is that more licenses should be granted to *bhadraloks* in preference to *Sahas* and *Suris*. Government, therefore, do not propose to deviate from the practice of granting exemptions in special cases and discretion must be left to the department.

The motion was then put and lost.

Maulvi ABDUL HAKIM: I beg to move that the demand of Rs. 2,16,000 under the head "6A—Excise—Superintendence" be reduced by Rs. 100.

This is an old motion. Last year also I moved a motion to this effect, and at that time I gave all the reasons showing that the pay of petty officers should be increased, but my prayer met with no result. I have every apprehension that this year also my prayer will be rejected. I do not like to be long in my speech, but I would like to have an honourable reply from the Hon'ble Minister.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Replies are always honourable.

Maulvi ABDUL HAKIM: With these words, I commend my motion to the acceptance of the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: On the same grounds, I oppose the motion as I did on the last occasion. Till 1921 the grade was Rs. 12, 15 and 20 and since then it has been increased to Rs. 20, 25 and 30. In the opinion of Government that is quite sufficient, and there is no justification for further increasing the pay of these petty officers, that will not be conducive to economy on which the House is so very keen.

The motion was then put and lost.

Babu NAGENDRA NARAYAN RAY: Sir, I beg to move, that the demand of Rs. 17,75,000 under the head "6—Excise" be reduced by Rs. 100 [necessity of repealing the Tobacco (Sales Licensing) Act].

The object of my motion is to draw the attention of Government to the necessity of repealing the Tobacco (Sales Licensing) Act, 1935. Sir, the district of Rangpur has been the worst sufferer from the present economic depression. The price of jute does not fetch even the bare cost of production, and there is not the slightest chance for its rise in the near future. There is no other crop which can be adopted as a substitute for jute. Moreover, the district has no other important crop save and except tobacco. In these days of acute economic crisis, the people in the district used to get some relief from the production of tobacco. But the Tobacco (Sales Licensing) Act has greatly told upon the production of this crop. Since the passing of this Act the people of the district has been so much upset that the cultivators in some localities have practically given up growing tobacco. Though this statute is not meant to affect the cultivators, still they entertain some apprehension of mischief in producing this crop. Again, although the Act does not directly affect the cultivators, it affects them to a great extent indirectly. The cultivators usually sell their tobacco to small buyers of the locality, and as these buyers have to pay some tax under the provisions of this Act, they offer a lower price to the cultivators who have no other alternative but to sell their produce at the price dictated by the buyers. Thus, the statute in question is affecting adversely the cultivators also, and the people in my district will breathe a sigh of relief if the Act is repealed at an early date.

The Hon'ble Sir JOHN WOODHEAD: Sir, I regret I was not in the House when the hon'ble member made his opening remarks, but I understand that his complaint is that the imposition of this small tax, which takes the form of a vendor's fee, has had a detrimental influence on the price of tobacco. The hon'ble member has not put forward any fact in support of his contention, and this is the first time since the Act was passed, that I have heard it suggested that the tax has affected the price of tobacco; in fact, since the Act was brought into force in September, 1935, I have received no complaint whatsoever either in regard to the effect of the tax on the price of tobacco or its effect on the cultivator of tobacco. I cannot give any weight to statements which are not supported by facts. When discussions on the Bill were in progress in the House, I maintained that this small vend fee payable by retail and wholesale vendors would have no effect whatsoever on the price of tobacco; I still maintain that position. I oppose the motion.

The motion was then put and lost.

Rai Bahadur JOGESH CHANDRA SEN: I beg to move that the demand of Rs. 17,75,000 under the head "6—Excise" be reduced by Rs. 100.

Sir, the object of my motion is to find out ways and means by which consumption of liquor, etc., may be minimised. The Hon'ble Minister in charge of the department is well aware of the present economic condition of the country. That the economic condition of the country is very bad at present is evident from the fact that the Hon'ble Member in charge of Finance is going to ask for a grant of Rs. 2,00,000 for famine relief. So when this condition prevails in the country, we should see that the people do not spend a farthing either for smoking *ganja* or drinking liquor. I would, therefore, request the Hon'ble Minister to be good enough to devise ways and means by which he can put a stop to or at least minimise this evil. I am anxious to see the country dry because thereby we would save not only so many millions of rupees but so many people from ruination. This is a very modest request, and I hope the Hon'ble Minister will be pleased to comply with it.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I support this motion. The hon'ble mover has pleaded with the Hon'ble Minister to find out ways and means. Evidently the hon'ble mover is not aware that certain ways and means have been very fully thought out; they have been discussed in this Council and elsewhere, but Government have obstinately refused to adopt those ways and means of reducing the consumption of excisable articles. The means for doing it in this country is very simple. The question of prohibition in America was a vastly difficult job. The question of prohibition in England is impossible. But this is a country which is essentially a dry one. Ninety per cent. or more of the people in this province never touch an excisable article. In this country it is the easiest of all things to reduce the consumption of liquor. The moral opinion of the people is strongly against the indulgence in excisable articlels. Therefore, if only we had a courageous scheme of local option enforced all over the province, I am sure no question of any more drastic legislation for having a dry Bengal would be necessary. Local option would kill the consumption of excisable articles. It would kill the excise revenue also, but I think Government can look with equanimity on that loss of excise revenue, for I am sure Government would be benefited otherwise. When people will give up this evil habit, their economic value will be increased and Government will be always able to find out new ways and means of raising taxation to counter-balance the loss of excise revenue. When Government really want revenue, they can always find out the means of raising it. We knew it last year when in a period of great distress Government were able to pass a number of Acts by which at any rate some small revenue was obtained. Apart from that, when the excise revenue

falls or tends to disappear, as it did during the days of the civil disobedience movement, Government could but grin and bear the loss. Why not make a generous and charitable gesture "for the benefit and uplift of the people"? Let us have local option at any rate in some modified form, and if we have it, I am sure this evil will disappear.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The House is aware that the policy which Government follow in matters of excise is maximum revenue with minimum consumption and Government stick to that policy. This question of local option or making the country dry has been very carefully considered by Government and by this House from time to time. But they came to the conclusion on every occasion that this local option or any attempt to make the country dry may stop the consumption of licit liquor or licit excisable articles, but will not really make the country dry. It will only give an impetus to more illicit distillation and more smuggling. That has been the uniform experience of Governments in other countries. As I said this morning, that because of the high fees which we charge and which are much higher than those in any other major province, the taxes have reached the danger point and it might, because of the economic depression, lead people addicted to drinking to take to further illicit distillation. Instead of reducing the fees, Government have left them where they are. That shows that Government are not at all anxious to increase their revenue at the cost of the morality of the people. During the last few years there has been considerable reduction mainly due to economic depression in the consumption of excisable articles, but that has not in any way improved the morality of the country. Those who are addicted to drinking or to taking opium or to opium smoking, take to smuggling and illicit distillation, and the hon'ble members are aware that illicit distillation is often followed by other administrative difficulties which, instead of leading to peace in the countryside, often result in riots and an increase of theft and burglary. Therefore, it means not only administrative difficulties but more expenditure on police and other unprofitable subjects. So, Government do not think the time is really ripe to try local option or to make the country dry. The rate of fees is quite high and that is by itself a sufficient discouragement to those who cannot afford to take to drinking, and beyond that Government are not in a position to go, because they feel that it will produce no desirable result, but on the contrary the effect might be very undesirable. On these grounds I oppose the motion.

Mr. NARENDRA KUMAR BASU: Sir, may I point out to the Hon'ble Minister that he has not replied to one portion of the hon'ble mover's argument. The Rai Bahadur wants to find out a substitute for *ganja*. The Hon'ble Minister has not said anything in reply to that.

Mr. PRESIDENT: Perhaps he wants a sub-committee to be formed for the purpose with Mr. Basu as its Chairman.

Mr. NARENDRA KUMAR BASU: No, no, Sir. I don't want to be there.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I would suggest cocaine.

The motion was then put and lost.

The main demand was then put and agreed to.

7.—Stamps.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 5,21,000 be granted for expenditure under the head "7—Stamps."

Motions for reduction.

Maulvi ABDUL HAKIM: Sir, I beg to move that the demand of Rs. 1,39,000 under the head "7—Stamps—B—Judicial—Charges for the sale of stamps" be reduced by Rs. 100 (exorbitant value of judicial stamps).

This is a very old matter, Sir, and anyone knows that the value of judicial stamps is very exorbitant. It is very difficult for a poor man to go to a court for justice for the redress of his grievances, and hence the amount should be decreased at any rate. I was a legal practitioner in the criminal court, and I have personal knowledge that poor people cannot ask for justice or cannot even submit their petitions to the courts on account of heavy court-fees. This is the case, Sir, in every criminal court in Bengal, as well as in the civil courts. The whole country is feeling the difficulty all along since the introduction of the Court-fees Act. At any rate, I pray that the exorbitant amount of judicial and non-judicial stamps should be decreased. With these few words, Sir, I commend my motion to the acceptance of the House.

Dr. NARESH CHANDRA SEN GUPTA: Mr. President; Sir, I support this motion. Sir, in ancient times every king would most strongly repudiate the suggestion that he was selling justice, but we have been for years selling justice with a vengeance—(MR. H. S. SUHRAWARDY: Not selling justice, but selling law.)—selling the brand of justice that you are administering with a vengeance. Sir, the figures for the sale of court-fee stamps and the

expenditure on the administration of justice constitute a most interesting study. The total expenditure on the administration of justice, for which court-fees ought in all reason to pay, is Rs. 73,40,000 only, and the total income from the sale of court-fee stamps—I am quoting from the Budget figures for the next year—is Rs. 2,18,50,000, that is about three times the total expenditure on the administration of justice. Sir, I know that at the present time court-fees are not for the purpose of the courts, but for the benefit of my hon'ble friends on the Treasury bench. It is for the benefit of the general administration. Well, Sir, let us for the moment accept that theory. Is there any justification, I ask, to raise court-fees beyond all reasonable limits, making it extremely difficult for litigants to come to courts and carry through any litigation? There has been this distress in the country, but distress does not tend to diminish the causes of action; it rather tends to increase them. Increase of court-fees at a time when the people are suffering from economic distress means that justice is denied to them, and it can be said that in many cases people have to pocket their grievances rather than go to the courts and pay the exorbitant court-fees which are charged—court-fees which are less than one-third of what is needed to maintain the courts in the style in which they are being maintained. Court-fees have always been in excess of the requirements of justice for years, but in 1923, when the Government were faced with a deficit Budget, the figures of court-fees were raised all round with the result that Government managed to balance the Budget, but the people had to bear a great burden. But, that, Sir, was not all. The very high court-fees which are now charged under the Act of 1923 have been improved upon in recent years. In the first place, there are the High Court's rules by which all sorts of additional court-fees have become chargeable upon all sorts of petitions—petitions which were not liable to court-fees in the past. I am afraid it is not everybody who realises how much that means—it must be a very large amount. Then, again, Sir, we have amended the Court-fees Act in order to get rid of what has been glibly called the evasion of court-fees; because the Court-fees Act allowed the plaintiff to value his suit in his own way in some case and because people valued their grievances according to their own estimates, it was said that this was evasion. We passed an amending Act in this Council—not one but more than one enactment—by which the liability to pay court-fees has been enormously increased. New valuations have been put on all these cases which will involve a good deal of further expenditure, but that is not all. The latest thing is the rules framed under the last Court-fees (Amendment) Act by the Government of Bengal which have been published only in the last issue of the *Calcutta Gazette*. They show what an amount of meticulous care the authorities responsible for drafting these rules have taken in order to squeeze out as much money as

they can out of the litigants being absolutely reckless of the inconvenience and trouble it would cause to them. In those rules schedules have been given, and in one of the columns of the schedules have been stated the particulars which a person has got to give along with his plaint for purposes of valuation. Well, it will be remembered that under the present law the matter goes to the Collector for valuation. Now, suppose a person who has a title to a large *zemindari*, including landed properties, dwelling houses, fisheries *bils*, and other things, suppose such a person wants to institute a suit for the declaration of his title to that property, suppose he does not want to recover possession, or even if he wants to recover possession, in either case he will have to give elaborate particulars—particulars which will take him months and months to collect—and if he is out of possession, then it will be impossible for him to furnish those particulars to the Collector without which he cannot even get his suit registered! If the object of the Court-fees Act or the policy of Government with regard to that was to put an end to litigation, the Government could not have devised a better means for the purpose than what they have done by the recent rules. I submit that it is a most egregious case of injustice; it is one of the most shameful things that people could have thought of in ancient times; and although we have passed that stage and have reconciled ourselves to the idea of selling justice, there is still room for feeling a little bit ashamed of selling justice at such a forbidding cost.

The Hon'ble Sir JOHN WOODHEAD: Sir, Maulvi Abdul Hakim moves this motion with great regularity, and every year he makes the same observations. The demand relates purely and simply to the administration of the Stamp Acts as passed by this Council, and I have always thought it somewhat inconsistent that, in connection with a demand which is put forward in order to obtain money to administer the Stamp Acts—to obtain a supply of stamps—the whole policy of the Stamp and Court-fee Acts should be brought under discussion. Maulvi Abdul Hakim is a criminal lawyer, and he seems to be of the opinion that the fee payable by complainants in criminal cases—I forget whether it is one rupee or eight annas—he seems to think that the fees are too heavy, but I suggest that one rupee is a very much smaller burden than the fee charged by the Maulvi Sahib for the combined services of himself and his clerk *plus*, probably, the *hookah* charge made by the local Mukhtears' Library.

Sir, Dr. Sen Gupta talked about ancient times when justice was not sold. I do not admit for one moment his insinuation that justice is now sold, but, if in ancient times no fees were charged when the parties appeared before the king, is it not also probable that no lawyers and pleaders were allowed to appear? Dr. Sen Gupta cannot have it both ways. Apart from that, however, his figures are wrong. He said that

the total amount which could be charged against the receipts under "Stamps" was Rs. 73,40,000. I have looked into the Budget, and I am surprised that Dr. Sen Gupta was not more accurate. Rs. 73,40,000 represents the *voted* expenditure in India on the administration of justice; it excludes non-voted expenditure, which is quite a large item; it excludes pensions and expenditure in England; it excludes expenditure on buildings; and it also excludes the entire cost of the criminal courts below those of District and Sessions Judges. The expenditure incurred on account of Deputy Magistrates trying criminal cases does not appear under "Administration of justice," but under "22—General Administration." Dr. Sen Gupta's figures are therefore hopelessly incorrect. But although his figures are inaccurate, I admit that under "Court-fees" there is a surplus as compared with the expenditure, and what I maintain is that such a surplus is in accord with the accepted policy of Government. It is also the accepted policy of this House for it was this House which passed the Act of 1922-23 and raised the court-fees in order to provide funds for "General administration." So long as that is the policy, as embodied in the Acts, it seems to me to serve no useful purpose to raise this question of policy in a debate on the demand under "7—Stamps." I oppose the motion.

The motion was put and lost.

The main demand was then put and agreed to.

Adjournment.

The Council was then adjourned till 3 p.m. on Monday, the 16th March, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 16th March, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 87 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

"Mahabharat," publication by Mahamahopadhyaya Haridas Siddhantabagis.

*52. **Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that the "Mahabharat" is one of the greatest books of the world;

(*ii*) that it is virtually an encyclopædia of Aryan civilisation in India;

(*iii*) that one or two editions of the book published many decades before are all exhausted;

(*iv*) that no copy of any reliable edition is available now;

(*v*) that formerly when the book was translated into English by Mr. Pratap Chandra Roy, C.I.E., the Bengal Government, the India Government, the other Provincial Governments and foreign Governments like the French and German Governments gave him pecuniary help to the extent of two lakhs of rupees;

(*vi*) that one Brahmin Pandit—Mahamahopadhyaya Haridas Siddhantabagis—has been publishing in monthly parts an unique edition of the book;

(*vii*) that about half of the book has been published by him; but

(*viii*) that for want of funds he has been feeling great difficulty in proceeding with the publication?

(*b*) Will the Hon'ble Minister be pleased to state what financial help has been given by the Government to the said Pandit?

(*c*) If no financial help has yet been given, what is the reason for it?

(*d*) Do the Government intend giving any pecuniary help to the Pandit, next year?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) (*i*) and (*ii*) Yes.

(*iii*) and (*iv*) Government have no information.

(*v*) Government have no information except that this Government contributed Rs. 7,400.

(*vi*) to (*viii*) Yes.

(*b*) and (*c*) No direct financial assistance has been given, but seven copies are being subscribed for Government Arts Colleges.

(*d*) No assurance can be given.

Rai Bahadur SATYA KINKAR SAHANA: With reference to answers (*b*) and (*c*), will the Hon'ble Minister be pleased to state how many Government arts colleges are there in the province?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I cannot enumerate the number. But there are the Presidency, Islamia, Chittagong, Dacca Intermediate, Rajshahi, Krishnagar and Chinsura Colleges.

Rai Bahadur SATYA KINKAR SAHANA: Will Government subscribe for every college one set of books?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I have already answered that seven sets are already being subscribed and as further volumes are required, they will be subscribed.

Allowances to jurors in Mymensingh.

***53. Babu SATISH CHANDRA RAY CHOWDHURY:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*a*) What is the usual rate at which the jurors (*i*) special and (*ii*) ordinary, respectively, are being paid as halting charges in each of the several districts where the system of trial by jury prevails?

(*b*) What is the usual rate of halting at which the jurors, (*i*) special and (*ii*) ordinary, have been paid for each of the years from 1925 to 1935 in the district of Mymensingh?

(*c*) What is the usual rate at which jurors in Mymensingh are being paid as mileage?

(*d*) Whether it is a fact that in Mymensingh owing to the vastness of the district and the absence of railway communication in the major part of the district, the jurors have to travel long distances in attending the sessions trial?

(*e*) Whether as a consequence of the small and inadequate sums paid as halting there is a general discontent among persons in the Jury List and there is unwillingness on the part of respectable people to attend sessions trials as jurors with the resulting deterioration of the quality of jury trial in Mymensingh.

(*f*) What is the special reason for reducing the halting charges in recent years in Mymensingh?

(*g*) Whether it is a fact that no minimum amount is fixed for halting charges to be allowed to the jurors and it is all left to the whims of each Sessions Judge?

(*h*) Whether the Government consider the desirability of fixing a minimum of allowances to be paid to the jurors?

(*i*) Whether the Government are considering the desirability of asking the District Judge of Mymensingh to revise the rate in view, among other reasons, of the rise of prices of foodstuff?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) The member is referred to the answers given to clauses (*i*) and (*ii*) of the starred question No. 49 asked by him on 19th August, 1935.

(*b*) In 1925-26, special jurors were paid at Rs. 3 to Rs. 5 and common jurors at Rs. 2 to Rs. 5 per day including travelling allowance. From 1927 to June, 1932, both special and common jurors were paid, besides travelling allowance, at Re. 1-8 per diem from the first date of attendance till discharge. From July, 1932, to February, 1934, the rate was the same but no halting charges were paid for the first and the last dates of attendance. Since then the rate of halting charge for common jurors has been from Re. 1 to Re. 1-8.

(*c*) Special jurors are paid at intermediate class rates and common jurors at third class rates when travelling by railway or steamer. They are also paid motor bus fares between places where motor bus is the ordinary method of transport and boat hire during the rains at Rs. 2 per diem for a journey consisting of 20 miles.

(*d*) Only about 25 per cent. of the jurors have to travel comparatively long distances.

(*e*) Although occasional complaints were made to the Judges, nobody expressed unwillingness to serve as juror nor has there been any resultant deterioration in the quality of jury trials.

(*f*) No special reduction has been made for Mymensingh.

(*g*) Sessions Judges exercise their discretion in sanctioning the amounts in individual cases.

(*h*) and (*i*) No.

Babu SATISH CHANDRA RAY CHOWDHURY: With reference to answer (*b*), will the Hon'ble Member be pleased to state whether the latest reduced rate is in accordance with any rule laid down by Government or whether it depends on the discretion of the Judge?

The Hon'ble Sir BROJENDRA LAL MITTER: I understand that the rule is a minimum Re. 1 and a maximum Re. 1-8, and between these two limits the Judge has discretion.

Babu SATISH CHANDRA RAY CHOWDHURY: In answer to question (*b*), the Hon'ble Member stated that before it was Rs. 2 to Rs. 5; what is the reason for reduction of Re. 1 during the last two years?

The Hon'ble Sir BROJENDRA LAL MITTER: The rates from Rs. 3 to Rs. 5 and Rs. 2 to Rs. 5 include travelling allowance and that from Re. 1 to Re. 1-8 is exclusive of travelling allowance.

Maulvi SYED MAJID BAKSH: How does the Hon'ble Member know that the quality of the jury trial has not deteriorated?

The Hon'ble Sir BROJENDRA LAL MITTER: We know, Sir, from the results.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether any expression of unwillingness to serve as jurors is either allowed by law or by Judges?

The Hon'ble Sir BROJENDRA LAL MITTER: Offhand, I should say no.

Maulvi SYED MAJID BAKSH: With regard to the importance of jury trial, are Government prepared to provide quarters for the jurors?

The Hon'ble Sir BROJENDRA LAL MITTER: That does not arise out of the question.

Babu SATISH CHANDRA RAY CHOWDHURY: Is it not a fact that on the common jury list there are many middle-class gentlemen of education?

The Hon'ble Sir BROJENDRA LAL MITTER: I am prepared to accept that statement.

Babu SATISH CHANDRA RAY CHOWDHURY: Is it not inadequate to pay Re. 1 as halting charge including that for servants and everything else for a middle-class gentleman of education?

The Hon'ble Sir BROJENDRA LAL MITTER: There is no reason why we should make that assumption on the basis of the minimum.

Electoral rolls for coming elections.

*54. **Maulvi ABUL QUASEM:** Will the Hon'ble Member in charge of the Appointment (Reforms) Department be pleased to state—

(*i*) what steps have been taken to ensure the correct spelling and printing of the names of Muslim voters and those of their fathers in the electoral rolls for the coming elections under the new Government of India Act;

(*ii*) when may the preliminary publication of these rolls be expected;

(*iii*) whether Government contemplate the provision for proper and adequate facilities for having errors and omissions in the electoral rolls rectified in sufficient time before the date fixed for the submission of nomination papers by candidates; and

(*iv*) when will the rules and regulations which will govern the coming elections be available to the public?

MEMBER in charge of APPOINTMENT (REFORMS) DEPARTMENT (the Hon'ble Sir Robert Reid): (*i*) Orders have not yet been issued for the preparation of the final electoral rolls, as the Local Government do not yet possess statutory authority for the preparation of these rolls. As the member is doubtless aware, however, provisional electoral rolls have been prepared, and an extract

from the orders governing the preparation of these rolls, which indicates the steps taken to secure uniform spelling in the case of Muslim names, is laid on the Library table.

(*ii*) and (*iv*) It is not yet possible to give the dates.

(*iii*) Yes; the public will be given ample opportunity to correct errors when the rolls are published in draft.

Maulvi ABUL QUASEM: With reference to answer (*i*), will the Hon'ble Member be pleased to state what steps have been taken to prevent Muslim voters' names from being mutilated beyond recognition, such as Bazlal Karim becoming Brajalal Karim and Hayatulla becoming Hridoy Lal?

The Hon'ble Sir ROBERT REID: We have trust in the intelligence, care and attention which the various officers concerned devote to their task.

Maulvi ABUL QUASEM: Will the Hon'ble Member be pleased to issue definite orders to the effect that persons familiar with Muslim names should be employed to prepare Muslim voters' list, and especially to correct the proofs of Muslim voters' lists?

The Hon'ble Sir ROBERT REID: I cannot give an undertaking to that effect.

Detenu Babu Sunirmal Sen.

***55. Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state where the detenu Babu Sunirmal Sen, who was sentenced to five years' rigorous imprisonment in connection with the Sharishabari Bomb case and transferred to the Andamans, has been lodged after the expiry of his term of imprisonment?

(*b*) Is it a fact that the said detenu returned from the Andamans in shattered health, is now having frequent attacks of fever?

(*c*) What arrangement has been made for his proper treatment?

(*d*) Is it a fact that the Government have directed to deduct medical expenses from his allowance?

(*e*) Is the Hon'ble Member aware of the hardship of the detenu to meet his medical bill from his allowance of Rs. 25?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) Government are not prepared to give this information.

(*b*) His health on return from the Andamans was good, and he is not having frequent attacks of fever.

(*c*) Does not arise.

(*d*) This is being done in accordance with usual practice.

(*e*) No.

Mr. SHANTI SHEKHARESWAR RAY: With reference to answer (*a*), will the Hon'ble Member be pleased to state whether this gentleman is allowed to receive and write letters to his relatives?

The Hon'ble Sir ROBERT REID: He is allowed to do so under the rules.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to explain why Government are not prepared to give the whereabouts of the detenus?

The Hon'ble Sir ROBERT REID: That is according to past and present practice.

Mr. P. BANERJI: Is it not a fact that there has recently been a change of policy in the Government?

The Hon'ble Sir ROBERT REID: Not in this particular respect, Sir.

Mr. P. BANERJI: Are the answers given in (*b*) and (*d*) not conflicting?

Mr. PRESIDENT: That is not a proper question; you may draw your own conclusion.

Mr. P. BANERJI: All right, Sir. Will the Hon'ble Member be pleased to state if the detenu is in good health, why orders have been given for deducting medical expenses from his allowance?

The Hon'ble Sir ROBERT REID: I can only assume, Sir, that that was on account of previous illness. His health at present is good.

Maulvi SYED MAJID BAKSH: If the two answers appear contradictory on the very face of it, is not the member entitled to give an opportunity to the Hon'ble Member to clear up the difficulty?

Mr. PRESIDENT: Please see section 36 of our Rules and Standing Orders. That precludes you from discussing any answer to a question. If you want further elucidation, your remedy lies in putting supplementary questions.

Detenu Dr. Charu Chandra Banerjee.

*56. **Dr. AMULYA RATAN GHOSE:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) whether it is a fact that Dr. Charu Chandra Banerjee has been kept in detention since 1934 on account of his alleged complicity with terrorist association or movement; and

(*ii*) whether Dr. Banerjee wrote to His Excellency the Governor of Bengal asking for an impartial and judicial enquiry into his case?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Member be pleased to state what steps the Government have taken with regard to this letter?

(*c*) Is it not a fact that Dr. Banerjee wrote to the Secretary to the Government of Bengal, Political Department, challenging the Government to prove his connection with any terrorist activity?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member please state what reply have the Government given to this challenge?

(*e*) Is the Hon'ble Member aware—

(*i*) that at the time of his arrest Dr. Banerjee was President of the All-India Socialist Party and of the Bengal Branch of the All-India Trade Union Congress;

(*ii*) that Dr. Banerjee had asserted in his letters to Government that as President of the abovenamed organisations he could not allow himself to be implicated with terrorists without those bodies themselves; and

(*iii*) that Dr. Banerjee had been giving large financial help to both those bodies?

(*f*) Is it a fact that Dr. Banerjee is kept in detention because of his helping the abovenamed institutions?

(*g*) Is it also a fact that Dr. Banerjee was also accused of being a member of the Hindusthan Republican Association consisting of Bepin Ganguly, Ambica Chakravarti and others?

(*h*) If the answer to (*g*) is in the affirmative, will the Hon'ble Member be pleased to state whether there is any proof in support of the above allegations?

(*i*) If there are proofs in support of the said allegations are the Government considering the desirability of laying them on the table or producing them before a court of law?

(*j*) Is the Hon'ble Member aware that the said Association as well as Dr. Banerjee have denied the allegations?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) and (*ii*) Yes.

(*b*) to (*e*) and (*g*) to (*j*) Government are not prepared to give the information asked for in these questions.

(*f*) No.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state the reasons for withholding this information from this House?

The Hon'ble Sir ROBERT REID: As I said in answer to a previous question, it is according to present and past practice.

Mr. SHANTI SHEKHARESWAR RAY: Is it not a fact that similar information was given in the case of Mr. Sarat Chandra Bose?

The Hon'ble Sir ROBERT REID: That is possible; there is an exception to every rule.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hin'ble Member be pleased to state if he has introduced a new policy in this respect?

The Hon'ble Sir ROBERT REID: Not that I am aware of, Sir.

Detenu Dr. Charu Chandra Banerjee.

*57. **Dr. AMULYA RATAN GHOSE:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) whether it is a fact that the house in which Dr. Charu Chandra Banerjee is interned got submerged in water during the recent Damodar flood at dead of night;

(*ii*) whether it is a fact that with the greatest difficulty he could escape with his life to the roof of the house by means of bamboo poles;

(*iii*) whether it is a fact that he had to pass the night on the roof; and

(*iv*) whether it is a fact that on the next morning he had to swim across the rising flood current to safety on the railway embankment at a distance of more than 440 yards from his house of detention?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what better arrangements have been made for Dr. Banerjee to live in?

(*c*) Is the Hon'ble Member aware that Dr. Banerjee had an income of over Rs. 1,000 per mensem before he was interned?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state what has been done to make good the loss due to his internment?

(*e*) Is it a fact that the wife of Dr. Banerjee is also interned for the last four years?

(*f*) Are the Government considering the desirability of—

(*i*) letting off Dr. Banerjee in view of the changed circumstances; or

(*ii*) allowing him to carry on his medical practice in Calcutta?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) to (*iv*) The house was flooded but not completely submerged during the flood of August, 1935, but Government are in possession of no further details.

(*b*) Dr. Banerjee returned to the house on the subsidence of the flood, and there is no reason to believe that he has since suffered any inconvenience.

(*c*) and (*d*) Government are not prepared to give the information asked for in these questions.

(*e*) Yes.

(*f*) Not at present.

UNSTARRED QUESTIONS

(answers to which were laid on the table).

Petty officers in the Excise and Salt Department at Chittagong.

20. Maulvi NURAL ABSAR CHOUDHURY: Will the Hon'ble Minister in charge of the Revenue (Excise) Department be pleased to state—

(*a*) how many peons and petty officers are at Chittagong in the Excise and Salt Department?

(*b*) what is the number of Muslims?

(c) what is the number of the said peons and officers that retired during the last five years and how many of them are Muslims?

(d) how many are enjoying pension and what is the number of the Muslims amongst them?

MINISTER in charge of REVENUE (EXCISE) DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) and (b) A statement is laid on the Library table.

(c) and (d) One petty officer, a Muslim, and one peon, a non-Muslim, both of whom are enjoying pension.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1936-37.

DEMANDS FOR GRANTS.

8—Forests, 8A—Forest—Capital outlay charged to revenue, and 52A—Forest—Capital outlay not charged to revenue.

The Hon'ble Mr. Khwaja SHAHABUDDIN: On the recommendation of His Excellency I beg to move that a sum of Rs. 8,36,000 be granted for expenditure under the head "8—Forests, 8A—Forest—Capital outlay charged to revenue" and "52—Forest—Capital outlay not charged to revenue."

Motions for reduction.

Maulvi ABDUL HAKIM: I beg to move that the demand of Rs. 43,100 under the head "8A—Forest—Conservancy, maintenance and regeneration" be reduced by Rs. 100 (urgency of turning privately-owned forests into Government property).

Sir, I have brought this motion to draw the attention of Government to a very serious problem that has not been hitherto solved by Government and that problem is the mysterious possession of certain forests of Bengal by some landlords claiming proprietary right therein. There is no doubt that these forest lands have been in the possession of some landlords for a very long time—may be since the time of the permanent settlement. But, Sir, what I want to show is that the landlords have no just and rightful claim whatsoever to the forest lands which they now possess under the plea of proprietary or *zemindary* right. In this connection, I cannot but recall the guiding principle on which the permanent settlement was granted to the landlords. As far as my

personal knowledge goes, I am aware that permanent settlement was granted to the so-called landlords in the year 1793 only in respect of the agricultural lands, I mean the rented lands that were in the possession of tenants under the *izaradars*, i.e., the rent collectors of the East India Company, who were subsequently made landlords. Again, I assert that the agricultural area that existed at the time of the permanent settlement was the pivot upon which the whole frame of permanent settlement really depends and as regards their proprietary rights, I should say in the same breath that it ought to have been kept confined only within the agricultural area that existed at that time and it ought not to have intended to any other kind of lands, if so extended at all. The outstanding feature of the permanent settlement was that the whole amount of revenue was settled on the memorable stipulation that 90 per cent. of the total realisation from tenants was made permanent land revenue for the agricultural or rented lands comprised in Suba-Bangala, which meant Bengal, Behar and Orissa in the Nawabs' time. The remaining 10 rupees was to go to landlords' *sherista* or office as remuneration for their labour or *saranjami* expenses. On this calculation Rs. 3 crores or so was settled as permanent land revenue of our province.

At that time all the forest lands, such as forest lands of Bhawal, Atia, Joinshahi, etc., were absolutely the abode of many kinds of wild animals and birds, etc., though at present human habitations are here and there found in these forests owing to the abundant growth of population in the country. In fact, at the time of the permanent settlement, all the forests that the landlords now possess under the colour of *zemindary* right were inhabited not by any human being but by wild animals of various kinds. The very fact that 90 per cent. of the total realisation from tenants was made permanent land revenue of the province undoubtedly shows that the landlords' claim in those forests is not founded on just and equitable ground. Sir, the utility of these forests is very great as known to all. The various kinds of trees in these forests are of the first importance. An acre of these forest land containing *gazari* and other trees fetches a far greater amount of money than an acre of agricultural land, however fertile it may be. Sir, as I have already said, these forests were and are the abodes of many kinds of valuable animals such as elephants, rhinoceroses, deer, wild buffalo and the like. We all know the immense value of an elephant. It is said even a dead elephant is worth a thousand rupees, and surely the tusk of the dead elephant is a very valuable thing. The skins, bones, etc., of other animals living in forests, are also of great value for the use of man. The birds that generally live in these forests are also of great value to people. Even valuable mines may be discovered in future underneath the surface of these forests. Such is the value of forest and forest lands in Bengal. Forests are preserved with great

care in every civilised country. I may say, Sir, afforestation is an important state function in Germany. It is also known that forests help nature to supply rainfall in the neighbourhood, and everyone knows the value of rainfall in our agricultural country. Sir, such is the importance of forests for our countrymen.

Now, Sir, if these forests were possessed by Government, the heavy income derived from these forests might contribute to a great extent for replenishing the Government treasury, and this could enable the Government to undertake the works of public utility which have not been hitherto undertaken by Government for want of funds.

Sir, according to the spirit of the permanent settlement, the non-agricultural forest lands cannot come within the purview of the permament settlement granted to the landlords and, therefore, their proprietary right, too, cannot accrue to these forests or forest lands on the strength of their permanent settlement.

Sir, the landlords are nothing but rent collectors of the soil, and it is the greatest blunder in the land laws of Bengal that permanent settlement has been granted to the rent collectors of the soil. Over and above that, the unjust proprietary right that is being exercised by landlords upon some forests and forest lands in Bengal is another great blunder that should not be tolerated any longer. The yield of these forests no doubt amounts to many lakhs of rupees.

The landlords who possess these forests are enjoying this colossal income of forest products without paying a single pice to Government either by way of royalty or in any other form of revenue. In fact, these landlords possess these vast areas of forest as *lakhiraj* or revenue-free lands, and God knows how long they will possess these forests in this way to the great detriment of public interest.

Government is awfully unwise in tolerating these blunders committed by the regime of the old East India Company. Permanent settlement is not a divine settlement granted by God. It is certainly a settlement granted by the human hand and can be cancelled or modified now for the good of the masses of people. If permanent settlement and proprietary right are regarded by Government as solemn and infallible pledges, these pledges should be confined only to the agricultural area for which they were originally granted and should not jump over to other areas for which they were not originally intended.

Sir, Government is similarly unwise in allowing the landlords to possess these forests for so long a time. But, nevertheless, Government can rectify these colossal blunders by legislation for the good of the countless millions inhabiting this province. If a blunder is once committed by Government through oversight or inadvertence, there is no reason why Government should perpetrate that blunder for ever.

Even if a new law proves subsequently detrimental to the public interest, Government can at once repeal or modify that injurious law. I am aware that Government earns a great income from the Sunderban forest. And I can assert that Government could earn another great income if it could possess the aforesaid forests which are by sheer mistake of law or fact privately owned by some landlords of Bengal. If the Hon'ble Member in charge says Government cannot do anything against the present laws of the land, I must say that Government does and has done many things against current land laws of the country. Did not the Government enhance the rates of rents in *khas mahals* according to its sweet will, without keeping conformity to the provisions of the Bengal Tenancy Act at the time of the last cadastral survey settlement? Do certain *jotes* in Noabad *mahals* not serve as best examples of such whimsical enhancements, where rents were increased to the extent of 300 rupees per cent., i.e., three times the existing rent, at the last revisional survey?

Sir, I have heard that certain hills were snatched away by Government many years before from the Maharaja of Shushong in the district of Mymensingh, simply because these hills were higher than the heights prescribed by Government, though he possessed these hills as included within his *zemindary elaka*. If so, why did the Government violate the provisions of established laws and encroached upon the proprietary right of a respectable and influential landlord and dispossessed him of those hills? If a gold mine is discovered in a privately-owned forest, the Government will not hesitate at all to take possession of the forest together with the sub-soil and make it a Government property by amending the Indian Mines Act or by passing any other Act required for the purpose.

By moving this motion, I do not mean that these forests should be converted into Government property by the application of the Land Acquisition Act or any other Act enacted in India. In that case, Government shall have in the first instance to admit the landlords' so-called proprietary right in these forests as their real right and that would not be a judicious step on the part of the Government, inasmuch as in that case Government would be bound to pay these landlords enormous sums as compensation for these forests and that scheme would not only be quite detrimental to the public interest, but would also be impossible for Government to carry out for want of funds in these days of economic depression.

The sole intention of my moving this motion is that our Local Government should send recommendations through the proper channel to His Majesty's Government in England, so that these forest areas which certain landlords possess under the plea of their *zemindary* right may, for the aforesaid reasons, be excluded from the permanently-settled estates like excluded area in British India.

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, I have very carefully listened to the speech of the hon'ble member who has mentioned the Bengal Tenancy Act, and has given a long dissertation on the permanent settlement. He has mentioned forest and everything else. But, Sir, I fail to understand what is in the back of his mind and what is the real object of his bringing this cut motion. As far as I can understand from what the hon'ble member has said, he advocates that the private-owned forests should be confiscated and turned into Government property. Apart from the fact that a proposition like this militates against the fundamental principle of the private rights and ownership, it is difficult to understand what relation it has with the present demand for grant. Sir, Government have to administer according to the existing law and, therefore, it is not possible for the Government to proceed to confiscate the property as, I understand, the hon'ble member would like Government to do. It is admitted that the question of administration, management and preservation of these privately-owned forests is a very important one, as forests are not only valuable national assets, but their preservation also means increasing the potential value of the resources of the country. I also admit that private-owned forests are not properly managed, and that they are being carelessly and, perhaps, wantonly destroyed by mismanagement by differences amongst proprietors and spoliation by local authorized and unauthorized inhabitants. Under section 38 of the Indian Forests Act, Government can assume charge of a private-owned forest only if the proprietor applies to Government for taking over charge of its management. If such an application is made, Government would be glad to assume charge of the forest provided the proprietor undertakes to make good the loss, if any, incurred in managing that forest. Sir, I cannot understand how the propositon of the hon'ble mover can be accepted or can be acted upon by the department unless the present law is changed. Instead of raising the question by a cut motion, the best course for him would have been to bring in an independent resolution recommending that the private-owned forests should be converted into Government property. Another course would have been to bring in a Bill in this House and get it passed, but I doubt whether he would have received the support of the House. I oppose the motion.

The motion was put and lost.

Rai Bahadur SATYA KINKAR SAHANA: I beg to move that the demand of Rs. 77,700 under the head "8—Forest—Conservancy, maintenance and regeneration—1—Timber and other produce removed from the forest by Government agency" be reduced by Rs. 100 (advisability of producing timbers necessary for the province).

In moving this motion, I am not actuated by any fault-finding spirit, but I move it only to draw the attention of Government to a lapse of the

Forest Department which can easily be rectified. We find in the budget estimate for the present year that the expected revenue from forests is about Rs. 20 lakhs. Of that about Rs. 11,50,000 is to be derived from timber, and the balance is to be derived from firewood, charcoal, bamboo and other miscellaneous sources. Sir, we all know that with the improvement of housing conditions in the province the necessity for timber has increased, and, as we cannot get sufficient timber from the provincial forests, we are compelled to import lakhs of tons of teak and sal wood from Burma and other places. Although our forests in the two circles—Northern and Southern—extend over thousands of square miles, they produce a microscopic fraction of our requirements, namely, only Rs. 11,60,000 worth of timber. The forests produce large quantities of firewood, I mean the *sundri* wood which only helps us in cremating our dead bodies, that is, helps us out of this world. Perhaps the Hon'ble Member will come forward with the argument that the soil and climate of Bengal is not congenial to the growth of good timber. Sir, I do not think that that argument is tenable. For we know it for certain that in ancient times Bengal did produce timber and even now Bengal has been producing it. We all know that our province was formerly known as *banadesh*, i.e., a land of forests. It is well known that in those days Bengal, after meeting the wants of her people, used to build ships for other countries. The shipbuilding industry of Bengal is well known to every student of history. That continued for centuries. We find in the Raghubansam that the Bengalees were a maritime race and that about 1,000 years ago one Bejoy Singh—not Sir Bijoy Singh, our Minister—with his fleet of warships went out and conquered the then Lanka and named it Singhal after his own name——

Mr. PRESIDENT: Can you describe what kind of ship it was? (Laughter.)

Rai Bahadur SATYA KINKAR SAHANA: Most probably they were of the type with which the Romans attacked Finicia.

Mr. NARENDRA KUMAR BASU: Might I enquire whether those ships carried timber necessary for the member?

Mr. PRESIDENT: Rai Bahadur, I would ask you to bring your ship to the safer waters of more recent times. (Laughter.)

Rai Bahadur SATYA KINKAR SAHANA: Yes, I am coming to that. We find in the memoirs of Havelock that the early British traders of Bengal used to get sal and teakwood from Bengal for export to Europe. Then, Sir, everyone who has been to the Botanical Gardens or to the Gulapbag of Burdwan will testify that mahogany and teakwood can be grown in Bengal even at present. In my poor district of

Bankura, with which the early British administrators played a game of battledore and shuttlecock—it was shifted first to the Collectorate of Birbhum, then it was transferred to Midnapore and then again to Burdwan—we had one Mr. Anderson who was our Judge, Magistrate and Superintendent of Police rolled into one. He with the help of some prisoners prepared a road and planted teak on the roadside and those trees grew into nice trees yielding valuable timber. The argument, therefore, that the soil and the climate of Bengal is not congenial to its growth does not hold water. It is deplored by everyone, as has just been said by the Hon'ble Member in reply to Maulvi Abdul Hakim, that it is due to the mismanagement and indolence of the landlords that the private-owned forests are deteriorating. That is true, but is it not true also that Government forests are deteriorating? Are we getting the same amount and quality of timber from reserve forests as we used to get formerly? Has any attempt been made to plant valuable timber trees for the afforestation of those parts where only shrubs, jungles and other not very valuable plants grow? Then, Sir, as regards bamboos, what use has the Forest Department been making of them except selling them to local people for erecting huts or for preparing *lathis* for police constables? But, at the same time, Sir, we are importing every year paper pulp from Sweden and Norway worth several lakhs of rupees. Is it not possible to prepare paper pulp from wild bamboos which grow in the Northern Circle of our forests? I think we can prepare a large quantity of paper pulp from bamboos and grasses which grow in our forests and can thus avoid the necessity of purchasing paper pulp from Norway and Sweden. In another twelve months we are going to have the Reforms introduced in this country and Bengal will then be an autonomous province. But Bengal will be autonomous only in name, while it will be really dependent on other countries for its very existence. Sir, it is an irony of fate that not only for timber but even for our staple food crop of paddy and rice, we have got to depend on Burma and during the last three years we have been importing lots of paddy and rice from Burma. This reminds me of the Sanskrit verse—

"সর্ব্বং আত্মবশং সুখম্,
সর্ব্বং পরবশং দুঃখম্"।

All self-sufficiency is happiness, and all dependence is misery.

This is particularly applicable to Bengal at present, especially as all our miseries are due to our dependence on the neighbouring provinces for everything. If the Forest Department is not able to improve the forest, I would like to say that there is no justification for its existence, and I would suggest that the forests should be leased out to limited companies as has been done in Australia, Canada and other places, on the distinct understanding that they will improve the forests

and supply the necessity of the province in timber and other forest produce. With these words, I commend my motion to the acceptance of the House.

The Hon'ble Mr. Khwaja SHAHABUDDIN: My friend Rai Bahadur Satya Kinkar Sahana began by saying that he moved his motion not by way of fault-finding. Sir, as I understand, his object is to emphasize the fact that the Forest Department, being a quasi-commercial department, its activities should not merely be confined to the preservation of the natural resources of the country, but must necessarily be directed towards producing commercial forest commodities required for the country. The recent activities of the Forest Department in Bengal have mostly been directed towards producing timber and other forest produce departmentally so as to supply the needs of the province. I may cite a few instances which will prove this statement: (1) the establishment of a saw mill at Siliguri which produces sawn timber including railway sleepers, (2) purchase of caterpiller tractor for extraction of timber in the Chittagong Hill Tracts, (3) reservation of *khas mahal* forests in the district of Chittagong, and (4) formation of ranges in the Sunderbans Forest Division as against the old revenue station system.

(The time allotted to this subject being reached, the Hon'ble Member had to resume his seat.)

The motion was put and lost.

The original demand was then put and agreed to.

9—Registration.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 18,78,000 be granted for expenditure under the head "9—Registration."

Motions for reductions.

Mr. P. BANERJI: Sir, I beg to move that the demand of Rs. 19,500 under the head "9A—Registration—Superintendence—Pay of officers—Inspector-General" be reduced by Rs. 100.

Sir, the grievances of the Registration employees both in Calcutta and in the mufassal are well known, and these were brought to the notice of the Hon'ble Minister not only at the time of the last budget, but also in September, 1935, by a deputation. The Hon'ble Minister, while receiving the deputation, assured it that those grievances would be considered, but I regret to find that in spite of that assurance nothing has been done so far and the grievances remain as they were.

Their first grievance is as regards the hours of work, and although their scheduled time is 11 to 5, practically they work from 7 a.m. to 9 p.m. Therefore, it is necessary for Government to see that these persons are not overworked, especially in view of the fact that their pay is not much—Rs. 40 for permanent staff. In Calcutta there are 8 permanent copyists and their grade is Rs. 40 to Rs. 50, while the pay of the 23 clerks range from Rs. 45 to Rs. 85; there are 32 other copyists who are not permanent—some of them are working for 20 years, some for 22, some from 5 to 10 and only 10 from 1 to 5 years. These persons are temporary. It is always the case that the number of temporary clerks is less than the permanent clerks, but here the permanent staff is only 8 and the temporary staff 32. These people are not given the holidays and are made to attend office both during the Pujas and Christmas, on the ground that there is pressure of work, while the head of the department comes only for an hour, if at all.

As I pointed out last year, there is no arrangement for their accommodation in the mufassal, and they are thus put to a lot of inconvenience when they are transferred from one place to another. I think Government ought to change this policy and appoint local men for those offices to avoid this inconvenience.

As regards promotion, it is not generally given to a copyist when there is a vacancy, although he may possess great knowledge of the working of the department. I know of a case where a copyist who has worked in the department for 20 years and has officiated more than once was not given promotion, but someone else was given it by the head of the department. I request the Hon'ble Minister to look into this case and see that no injustice is done.

There are no rooms for tiffin and no arrangements for drinking water in hot days for these employees.

These in short are the grievances of the employees in the Registration Department, and I request the Hon'ble Minister to remove them as soon as possible.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I am afraid my friend is doing me a wrong when he says that nothing has been done with reference to the deputation which waited on me in connection with the grievances of the Calcutta Registration Office employees. Their main grievance was centred round the fact that they are not given holidays on certain non-Act holidays during the Puja vacation and Christmas. As you know, the Puja vacation is given for 12 or 14 days, part of which is holiday under the Negotiable Instruments Act and part under the Executive orders. So far as the holidays under the Negotiable Instruments Act are concerned, everybody is entitled to

them, and all the Calcutta Offices are closed, but in so far as the non-Act holidays are concerned all the Offices are not closed. In Calcutta some of the Offices are kept open. The Office of the Collector of Stamp Revenue and the Office of the Registrar of Assurances are to remain open, and my friend knows perfectly well that on those days the Post Offices, the Telegraph Offices and the Police Offices have to do their work. The Calcutta Tramways Company and some of the public conveyance concerns also are kept open on these days. Unfortunately, the Registration Department is a department which has to deal with the public and for the sake of the convenience of the public the Offices under the department are to be kept open. Supposing on the non-Act holidays we close our Offices and an important document cannot be executed; in that case, I am afraid my friend will be the first to come with a motion saying here is a public grievance as no arrangement has been made for registering it during those holidays. My friend knows perfectly well that the Office establishment are aware of the condition of service in those Offices, that they are not closed on the non-Act holidays but are closed on Act holidays.

So far as their other grievances are concerned, I have made special enquiries and have tried to meet them as far as possible. I will ask my friend to have a little patience because it is not possible to decide these matters in a day. We have to consult some Offices, we have to go to the Finance Department, and we have to find out whether this arrangement will suit or not. These cases do take a little time. I can say this much that the proposal has not yet matured, but we will be in a position very soon to keep the Offices open and give holidays to a very large section of the employees of the Registration Offices. In other words, we will keep the Offices open for the purpose of registration only, and all other miscellaneous work will be done after the holidays and for the former purpose a skeleton staff will be maintained. That is the proposal now under discussion, but it has not been finally decided yet. Probably in the course of a week or two we hope to issue final orders to that effect.

I can assure my friend that so far as the genuine grievances are concerned, we are trying to accommodate them as far as possible.

As regards the question of promotion, that is a matter which can hardly be discussed on the floor of the House. No Government can decide individual cases of promotion unless it involves certain definite principles. My friend says that somebody who has got a long period of service has not been given promotion, but how on earth can anyone say anything about it unless he is given an opportunity to enquire, if there is a genuine case of grievance, my friend knows that the Registrar of Calcutta is not the final authority, but there are the Inspector-General of Registration and the Minister to redress the

wrong. But it is very difficult to discuss in this House every individual item, particularly relating to a man who, as Mr. Banerji says, has not been given promotion for 20 years. If such cases are brought to my notice individually, I shall certainly look into them. When a man is given an officiating appointment, he is found fit for the post no doubt, and it is within the competence of the head of the department to appoint him. Whether others were found equally fit for the post or not, it is rather difficult to answer.

As regards local people being appointed in the Registration Office, I should like to point out to my friend that after all the Registration Department is a department as a whole, and supposing a man is appointed in an outlying station in a mufassal district, and after his appointment a superior post falls vacant in the headquarters for which this man is found to be fit, surely he is liable to be transferred, and if it is not done, the man does not get any promotion. Therefore, these questions cannot be discussed on the issue raised by my hon'ble friend, but I can assure him that so far as appointments and transfers are concerned, preference is given to the local people, if available, but there cannot be any hard-and-fast rule in this direction. In view of this fact and after the assurance that I have given that the grievances of the staff with regard to holidays will be rectified, I hope my friend will withdraw his motion.

The motion was then put and lost.

Mr. P. BANERJI: I beg to move that the demand of Rs. 19,500 under the head "9A—Registration—Superintendence—Pay of officers —Inspector-General" be reduced by Rs. 100.

Sir, the object of my moving this motion is to discuss the grievances of the extra establishment in the Calcutta Office. As I have just pointed out in the course of the previous debate, so far as the copyists are concerned, the number of extra establishment to-day is 32, whilst that of the permanent establishment is only 8. This extra establishment had at one time to do the same amount of work as the permanent establishment and used to draw the same salary. When the salary of the permanent establishment was increased to Rs. 40 per month, the rate of remuneration of the extra copyists was not increased at all. The rate of remuneration of the extra copyists is Re. 1-4 per 3,000 words, *i.e.*, Rs. 30 a month. For 24 working days at the rate of Re. 1-4 a day it comes to Rs. 30 a month. For the same amount of work, that is for 3,000 words a day, the permanent copyists get Rs. 40 a month and their grade is Rs. 40—50. Besides, the permanent copyists enjoy other privileges so far as leave and holidays are concerned. As I have already said, these extra copyists are 32 in number and many of them have been working for 15 or 20 years and

still they have not been made permanent. The Hon'ble Minister has just remarked that it is impossible to settle the question of an individual, if it is not on a broader principle. Well, I mention the case of these extra copyists from the point of view of a broader principle. While you are making these persons, who are to all intents and purposes permanent hands of the department since they have been doing the work for more than 20 years, do the same amount of work as the permanent staff, you do not allow them any of the privileges that are enjoyed by the permanent establishment. Moreover, whenever there is any likelihood of a vacancy occurring in the permanent establishment, some outsiders are appointed as extra copyists a few months before the vacancy actually occurs, because it is within the competence of the Inspector-General or the Registrar to do that, and they are made permanent thereby ignoring the claims of all these 32 persons. It may be argued that because a man is found most competent and therefore he is made permanent, and it is for the department to look into and examine the merits of individual candidates. But that is not the actual state of affairs. I would invite the attention of the Hon'ble Minister to the fact that great injustice is being done to these 32 persons by the head of the department whenever there is a vacancy, and the relations of the head of the department are given permanent appointments without taking into consideration the claims of those who have been working there for such a long time. If the Hon'ble Minister will kindly make an enquiry into the matter, he will find that such injustice has been done in filling up almost all vacancies in the permanent establishment. Therefore, I would request the Hon'ble Minister to see that in future no such injustice is done in this department. If these 32 persons who are working temporarily for more than 10 or 12 years are made permanent, I do not think there would be any difficulty on the part of Government. Further, if the grievances of these persons are removed, I think the Hon'ble Minister and the Government will be spared the trouble of replying to this debate year after year during the Budget discussion. There is another point to which I should like to draw the attention of the Hon'ble Minister, and it is this: The pay of these persons who are enjoying no privilege and turning out the same amount of work as the permanent establishment has been withheld. In fact, their salary for January, 1936, has not yet been paid on the excuse that the allotment of Rs. 6,000 for this establishment having been exhausted, there is no money available to meet their salary from January to March, 1936. I would request the Hon'ble Minister to imagine the difficulties, particularly in a place like Calcutta, if the pay of these poor clerks who draw only Rs. 30 a month is withheld for three consecutive months. This fact was also brought to the notice of the Hon'ble Minister last year when this particular allotment was

exhausted in October, 1934. Is there any reason why these temporary hands should not enjoy the same privileges and draw the same salary as the permanent hands in view of the fact that they do the same amount of work? In this connection it is noteworthy that if their grievances are ventilated, these persons are threatened with dismissal. I, therefore, request the Hon'ble Minister to see that the grievances of these persons are at once redressed and that directions are given to the Inspector-General and the Registrar to allow these clerks to ventilate their grievances, if any, in future, through the proper channel so that they do not suffer on any account.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I am really sorry to learn from my friend that certain extra staff of the department were not paid their salary. But I hope my friend will agree with me when I say that particularly at a time when we are going through a great economic crisis it is very difficult to anticipate as to what amount will be required for the temporary establishment. My friend knows that if the amount budgeted for temporary establishment is exhausted, we are to go through the routine course and get extra money sanctioned. It is the constitutional practice that the Hon'ble Minister of a department cannot spend any money which is not budgeted, without the previous consent of the Finance Department. Therefore, a certain amount of dislocation is inevitable, but I can promise my friend that I shall immediately look into the reasons which stand in the way of this extra establishment being paid their salary. But if no money is available, it is impossible to pay until reappropriation from some other head is made.

So far as the question of promotion is concerned, if my friend will give me the instances where deliberate injustice has been made, I shall certainly look into them. I can assure my friend in this connection that I shall generally look into the matter, but if my friend wants any specific case to be brought to my notice, I shall be glad to look into it, provided my friend does his duty as a member of this Council by writing to me as to what his grievances are. Then, Sir, my friend has said in connection with the previous motion that the permanent establishment have to work till 9 o'clock in the evening. In connection with the motion under discussion my friend has said that the permanent establishment do not do hard work, but it is the extra establishment who have got to work very hard indeed. I have told my friend before that in an establishment of this nature it is not possible for Government to know the exact nature of the work that is done by either the permanent establishment or the temporary establishment separately. The work in this department comes by bits. Suppose to-day there is a rush of registration work and then follow three slack months. Surely, my friend does not want us to maintain an establishment which is required

particularly to cope with the rush of work but which would sit idle fo: the rest of the period? From the point of the Budget and publi accounts, it will not be satisfactory. At the same time, in so far a these extra mohurrirs are concerned, I can assure my frined that afte their grievances had been heard some methods have been introduce now and they have been divided into four grades. The first grade i reserved for the seniormost mohurrirs and all important works are give to them before they are given to other, so that the man who has worked for long is assured of a definite amount of work before others.

As regards the question of pay and establishment, I think it is too big an issue to be entered upon here, because this question was decided not recently but years back, when the question of pay with regard to all the services was gone into. It is very difficult now to change the scale, particularly at a time when the finances of the province are not in a situation as to balance the budget. Moreover, the Registration Department has suffered in its income also, and although there are signs of a little revival, still it cannot be said definitely that we are in a position in which we can say that we have a stable income. And till that time comes, it will be very difficult for Government to enter into that question. So, my general reply to my friend is that I promise to look into the question of the grievances he has mentioned. As regards the particular grievance to which he has drawn my attention, where pay falling due has not been paid, I shall look into that question also. As I have said, it is difficult, owing to money not being sanctioned, to anticipate how much money would be required. As regards the question of pay, I have also said that all the employees in the Registration Offices have had to work hard, and I do not deny it. But it cannot be said that the permanent establishment have worked much less than the temporary establishment, and I think that it stands to logic that if the temporary establishment be paid not by the hours of work but by definite rules that they would get so much for so many thousands of words—even if they work up to 9 o'clock at night—it would be to their advantage. After all, Government cannot possibly say that because a man has done 500 words out of 3,000 words he should be paid at the rate Re. 1-4 per 3,000 words. Surely, if a man works hard or if he does not work hard, the consequence is his. If my friend complained that Re. 1-4 for 3,000 words was not much, then I could understand it, but if he says that the extra copyists work hard, and still complains that they are paid Re. 1-4 per 3,000 words, then I think my friend is contradicting himself. Anyway, I have replied to the points raised by my friend, and I hope that in view of my statements he will be satisfied.

Mr. P. BANERJI: Sir, on the assurance given by the Hon'ble Minister, I beg leave of the House to withdraw my motion.

Mr. P. Banerji's motion was then, by leave of the House, withdrawn.

Rai Bahadur SATYA KINKAR SAHANA: Sir, I beg to move that the demand of Rs. 29,400 under the head "9—Registration—A—Superintendence (Transferred)—1—Pay of officers" be reduced by Rs. 100 (want of proper care in registering documents).

Sir, I move this motion to invite the attention of Government to the anomalous state of affairs in the registration of documents in the mufassal. In spite of the assurance that I received from the Hon'ble Minister some two years back, even now occupancy-right-holdings are transferred as *mokarari*-right-holdings, and these documents are freely registered in the Registration Offices. This sort of change of status deprives the landlord of the landlord's fees. There is, however, some remedy for the landlord if the landlord be the sole proprietor of the property as, when he receives a notice of transfer, he may run to a civil court to rectify the wrong that is done. But, generally, the case is that there are so many co-sharer landlords that the notice seldom reaches them or even any one of them, with the result that the landlords never get the landlord's fees. Then after a few years the tenants press the landlord to accept the *mokarari* status of the land. This anomalous state of things in the Registration Offices should be stopped. It creates immense trouble to the landlords, to the tenants, as well as to the co-sharer tenants. With these few words, Sir, I commend my motion to the acceptance of the House.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I can assure my friend that our greatest trouble in the Registration Department is to deal with cases where a document is not only registered but the registering officer has also to find out the fees to be paid, how to send the fees, where to send them, and all these things, without any extra remuneration whatsoever. I must say that in spite of all these difficulties I have never heard any complaint that the system has not been working satisfactorily. Sir, after all, what has a registering officer got to do? He has to accept money and send out notices. These notices are not sent through his agency, but through the agency either of the Collector or the Post Office. If my friend can point out any instances where such notices have not been issued at all, then I could understand him; but I do not think that my friend will be able to point out any single Registration Office in Bengal where these notices are not properly issued. Of course, there may be mistakes and accidents in one or two cases, but one or two cases do not make up a general proposition. Generally speaking, you will find that the Registration Offices have not been lethargic in the matter of issuing notices, and the very fact that 99 per cent. of the landlords, in so far as the pre-emption fees are concerned, receive their money, shows that this department is working properly.

As regards the grievance that the documents are registered showing titles which do not belong to them, it is not the fault of the registering

officer. He cannot go beyond what the document shows, because, otherwise, he would have to enter into regular inquisitorial proceedings. Sir, I feel that my friend does not realize the difficulties of the registering officer. A registering officer has to be satisfied chiefly with the execution of the document, and the business to which the Rai Bahadur refers is to him of secondary importance. If my friend is prepared to agree that the landlords should be pressed to give a share of their profits in favour of the registering officer for doing this extra work, then I should be very glad to consider that proposition. But, then, probably, I shall be told that pre-emption fees are already being sent to the landlords, notices are being sent to them, and that accounts are being maintained, therefore no question of extra remuneration arises. And if in spite of that my friend says that notices do not reach them, the reason must be that the landlord is either absent from home or that he could not be found. In conclusion, I must emphasize that the responsibility lies with the agency through which the notices are sent and not with the Registration Offices, which send out the notices. That is all that I have to say in opposing this motion.

Rai Bahadur SATYA KINKAR SAHANA: Sir, may I ask a question of the Hon'ble Minister? Is it not possible for the Registration Department to keep a set of the records within the ambit of a particular Registry Office as it is kept in the Collector's Office and the Munsif's Office, from which the registering officer may easily find out the status of the holding and the number of the landlords who are superior landlords?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I would invite my friend to be a sub-registrar for six days only to find out the feasibility of his proposal.

Rai Bahadur SATYA KINKAR SAHANA: Sir, I beg leave of the House to withdraw my motion.

The motion was then, by leave of the House, withdrawn.

Mr. P. BANERJI: Sir, I beg to move that the demand of Rs. 79,000 under the head "9A—Registration—Superintendence (Transferred)" be reduced by Rs. 100 (piece-work system and temporary establishment).

Sir, the Hon'ble Minister said that in my previous speech I was contradictory, but now after I speak on this motion you will find that there is no contradiction. I am just submitting about the piece-work system and the temporary establishment. They do the same amount of

work as the permanent copyists, who get Rs. 40—and sometimes Rs. 50—a month. While doing the same amount of work, the temporary copyists get only Re. 1-4 for every 3,000 words. Roughly, there are some 26 working days every month, and I would like to know from the Hon'ble Minister why this distinction has been made in case of temporary men who do the same amount of work. It must also be remembered at the same time that these persons do not enjoy any privilege whatsoever. Many of them are working for more than 10 years, and in many cases for more than 20 years; and does it not stand to reason that when a copyist has worked for more than 20 years he should be entitled to a pension, and is it not rather physically impossible for such a person to work at the rate of 3,000 words a day inasmuch as it takes at least 6 to 7 hours a day for an able-bodied young person to write out the 3,000 words that is fixed for a day's work? Moreover, if such a person is absent from duty for reasons of health, he is made to work to compensate for the days lost, that is, he has again to write out 3,000 words and thus to work till late hours. Is it not rather cruel to a person to make him work in such a way? At the same time, I might tell the Hon'ble Minister that in the Calcutta Registration Office there are eight permanent copyists as against 32 temporary men, whose number is sometimes raised to 35, and whenever vacancies occur in the permanent establishment a man is shifted from the temporary establishment to the permanent one. That being the case, it would seem that there is sufficient work for at least 25 persons in the permanent establishment. While persons in other departments or in the same department doing the same amount of work are entitled to pension, these persons are not only not entitled to any pension, but at the same time they are made to work hard and for longer hours. So, the Hon'ble Minister should examine this case and find out whether it would be possible for the Government to put 25 persons out of these 32 on the permanent list. As is well known, whenever there is a rush of work, the people on the temporary list are informed and appointed to to do the work. It is done everywhere, and so the same principle may be introduced here also. If they cannot be given a pension, the question of introducing a provident fund or a system of gratuities may be considered. It should also be considered whether, when a permanent vacancy occurs in the office in the ministerial ranks, recruitment is possible from these copyists who have got experience of the department. With these words, Sir, I commend my motion to the acceptance of the House.

(At this stage the House was adjourned for fifteen minutes.)

(After Adjournment.)

Mr. P. BANERJI: There is another point which I want to bring to the notice of the Hon'ble Minister. The Hon'ble Minister has just told

us that it is difficult to anticipate the actual requirement, but I think that from the actuals of the previous years it is quite possible for heads of departments to make provisions for a few thousands more, so that such difficulties can be avoided. The Hon'ble Minister will naturally say that it is not within his province to do so, but that it is for the Finance Department to provide him with more funds. The Hon'ble the Finance Member is not here, but I cannot understand why for these poor people funds will be always wanting while there is no paucity of funds in some of the departments where money is spent rather lavishly. I request the Hon'ble Minister that in future at least he will try to provide money adequately so that these poor clerks are not made to suffer. As a matter of fact, these men do not earn Rs. 30, but only Rs. 10 or Rs. 15. Therefore, if they are shifted to the permanent establishment, such difficulties will be obviated.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It is a pity that my friend has been elected a member of the Public Accounts Committee only recently. Probably he has not yet sat as member of that committee in its meetings. Had he done so, he would have found by this time that all Government income and expenditure are scrutinised very carefully by the Public Accounts Committee, and that it is impossible for any department to justify the provision of an extra sum of rupees two or three thousand being made on the contingency of its being spent for a particular purpose. If that is done, the Public Accounts Committee will say that this is an overestimate, and that it should have been avoided. I think my friend, as a member of the Public Accounts Committee, will realise that budget estimates are made on the basis of the last three years' actuals, unless there is a special case for an extra amount. In so far as that is concerned, my friend will also find that our estimates have been made on the basis of the last three years' actuals. Beyond that, we cannot make any provision in anticipation of a new demand, because it is wrong to do so from the point of view of the Public Accounts Committee. If this is allowed, there will be a tendency on the part of every department to get money at the end of the year, even though that money may not be required. It is exactly the amount required that is actually provided for. If an additional amount is required, we have to follow the definite budget procedure, and we have always followed that procedure, whenever we have found it necessary for payment to the staff towards the end of the year. As regards the question of promotion, I have already answered that in my reply to the previous motion. My friend asks: Why is it that the piece-worker is paid much less than a man who is an extra copyist? I have explained already that in an office where work does not come in in its usual regular flow, where there is off season and on season and where there is a seasonal demand due to commercial fluctuations, it is

impossible to find out definitely what the amount of registration is likely to be at a particular time so that we may be able to maintain a definite staff for it. Even then we will find that that procedure will not stand, because we may find soon after that the slack season has commenced, and that there is no work for the staff we have taken. This is not the only department where piece-workers are entertained. In every other department, a certain number of such men has to be kept, as otherwise it is impossible for Government to justify the retention of a permanent staff whose services will be utilised only for a few days in a year. Of course, it is possible to determine the actual amount of work that can regularly be given to the permanent staff, and I think my friend is justified in saying that we can form an idea of the amount of day-to-day work at its minimum, and in asking us to retain a permanent staff for that work. I can, however, assure my friend that up till now we have not yet been able to determine the minimum amount of work that the department will have throughout the year. From the figures before me, I know that on certain dates as many as 60 documents were presented for registration, while on the next day there were only 3 documents. It is no use, therefore, fixing the minimum amount of work, when we find that there is such a wide fluctuation from day to day. Often we find that there is a tremendous amount of rush after a holiday, and then later on there is practically no work. In these circumstances, and particularly in view of our present financial condition, it is difficult to anticipate such things. Nor has my friend made out any case, in fact, that it is possible for us to determine the minimum staff which can be permanently entertained on pensionable service. If my friend can do that by facts and figures, I can assure him that Government will sympathetically consider the matter, but so long as he is not able to do that and so long as our financial condition is, as it stands at present, it is difficult to consider this question.

The motion was put and lost.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: I beg to move that the demand of Rs. 79,000 under the head "9A—Registration—Superintendence" be reduced by Rs. 100.

The object of my moving this motion is twofold: (1) to preserve the old documents both from the historical point of view and also for the interest of the people to protect their rights and title to the properties, (2) to preserve the contents of documents if the original is lost or destroyed. The first Registration Act that we come across was passed in the year 1793 for appointing the head *kazi* of the province, who used to take copies of the documents when produced; but there was no arrangement to keep copy of the document. Since then Regulations were passed from time to time to supplement or extend or

modify the previous Regulations. We find that in the year 1812 a Regulation was passed prescribing the procedure to be followed by persons desirous of registering a deed. In 1832 another Regulation was passed empowering the Zila Judge to make over the duty of registration to *sadar* amins. At that time registration was done by the Zila Judge and it was a difficult task for any person to approach him for registration of any deed or document. In the year 1845 another Act was passed providing that a deed might be registered in any district but the General Registration Act and the Regulation of 1793 and the whole law of Registration was passed in 1865. That was the first time when the system of proper registration was introduced. Then also there was no compulsory registration. Documents were divided into two kinds, one compulsorily registrable and the other optional. In the year 1871 another Act was passed fixing the time limit for presentation of documents for registration to 4 months; and that is still in vogue. The Act III of 1877 replaced the Act of 1871 and the general change effected by the Act was in regard to the competition between registered and unregistered documents. There in the Act somewhat compulsory registration was introduced. There was no provision for compulsory registration of land until the passing of the Bengal Tenancy Act of 1929 when for the first time compulsory registration was prescribed with regard to transfer of land. We know there are several title deeds which were not registered but they are more valuable than the land itself. There are occasions when these title deeds have to be produced before the court every year. I know that in the applications of *astam* proceedings under Regulation VIII of 1819 these title deeds are to be produced every six months for the satisfaction of the court. What would be the fate of these title deeds if these old documents are handled so frequently? In the course of a few years these will be destroyed and the titles and interests of the parties will also be simultaneously destroyed. My object is to preserve these documents and if these documents are registered a registered copy of them may be produced in court and the old original copy may be kept safe by the owner. The contents of the documents will thus be preserved.

Another point which I want to impress upon the Hon'ble Minister is that if a Bill be introduced to this effect it will bring in more money to the exchequer of Government. For the purpose of registering these old documents you can, if you like, prescribe higher fees. So in the interest of Government as well as of the public I request the Hon'ble Minister to consider this suggestion that a Bill may be introduced particularly to preserve these old documents. Here I must make clear my intention. I do not suggest compulsory registration of old documents, but want it to be optional. Those documents where there is any evidence that those had been used in courts and produced in courts should be registered and not all of them as it

might involve risk. Thus there will be another restriction by way of checking the documents before registration.

I move my motion for the acceptance of the House.

Babu SATISH CHANDRA RAY CHOWDHURY: I think the proposal is not very sound, because there are hundreds of old documents which, when they are produced before the court, the court have to come to a decision as to their genuineness or otherwise on the evidence placed before them. If these documents are allowed to be registered now, it would be putting a premium on the unscrupulous persons to get up documents on old papers that might be in their possession and the registration of documents written on such papers will naturally put a value to the documents which they do not possess intrinsically. Another difficulty will arise, as the enforcement of any such rule will be a rigorous one, since nobody will be allowed to produce an unregistered document thereafter. It may so happen that many people will not know of this change in the law and they will not care to have their documents registered. So they will suffer.

As regards the difficulty of losing the documents, I think that can easily be avoided by having these documents produced in court in cases and certified copies being obtained as preserved. Under the Evidence Act those certificates can be put in as secondary evidence. Whatever difficulties there may be in individual cases, I think the drawbacks of such legislation are too many to be ignored.

Dr. NARESH CHANDRA SEN GUPTA: Mr. Ray Chowdhury has put one side of the case. There is another side. It is certainly true that if registration of old documents is allowed many new documents will come into existence as old ones. But on the one hand, that can be provided against in this way: Suppose we have a rule that only documents the genuineness of which has been established in a court of law will be registered. That will obviate that difficulty, as once a document has been admitted in a court of law it can be produced as a piece of evidence later on. On the other hand, there is another difficulty undoubtedly, when an ancient document tends to crumble. Under a recent decision of the Privy Council if you produce a copy and give proofs of the destruction of the original you will still not get the assumption in favour of genuineness of the original. Under the Evidence Act if a document is proved to be 30 years old its genuineness will be presumed but that presumption of genuineness will not apply to a copy. When a copy is produced it will have to be proved; you must prove the genuineness of a document by calling in a person who executed it but in the case of a document which is, say, a 100 years old that will be out of the question, as during these 100 years the man who executed a document will be no more and all proofs regarding its

genuineness are likely to be destroyed or lost. If you allow registration by which the genuineness of a document is established this difficulty will be obviated. With regard to the other question raised by Mr. Ray Chowdhury a registration will not be compulsory but optional and it will be very difficult to prove documents which parties may not have had registered. All the difficulties which my learned friend puts forward may be met by adequate safeguards. For instance, there need not be any rule that any ancient document which is not registered should not be produced unless it can be proved. Any person who omits to register a deed takes a risk, because he cannot produce it in a court as a piece of evidence unless he can prove it. But in the case of ancient documents there is no question of compulsory registration. There is this difficulty—the difficulty which has been created by the Privy Council decision. It has become almost impossible now to establish a case based upon ancient documents where the original cannot be found. But when the original can be found, it protects the person who is the owner if he can produce a person who has written that document or has read it or can recite the contents of that document. The position has become well nigh impossible and some amendment of the Registration Act is required to meet the difficulty which has been created.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I have carefully heard what my friend the Raja Bahadur wanted to say. He gave us a most interesting narration of the history of the Indian Registration Act. My difficulty is that I have not been able to follow a portion of his speech nor what does he actually want. If he wants, as some of the previous speakers said, that an ancient document which has not been registered but has been kept in the family for years past and is likely to be destroyed by too much handling should be registered now and a certified copy thereof should be made evidence, I think my friend will immediately take legal advice as to whether any such thing is possible, because as Dr. Sen Gupta has pointed out the evidentiary value of an ancient document has to be established by the production of the document itself—surely a certified copy will not give that advantage. People have got to be satisfied as regards the ink with which it is written and the paper, the genuineness of the signature and many other factors. Supposing a thing which was not in use in 1810 appears on a document of that year and a stamp purporting to be written out in 1871 has been written out in 1910, how are these things going to be found out unless my friend is prepared to produce the document in a court of law and have it accepted by the court? If my friend wants to amend the law, I think the best thing for him is to introduce a Bill on the lines of the Preservation of Ancient Monuments Act. If he does so, Government will consider its pros and cons and come to a decision. For the time being, the

Indian Registration Act is applicable all over India, and it is very difficult to justify an amendment of it on a provincial basis as long as the present constitution exists.

As regards the other question, there also I have not been able to understand my friend Dr. Sen Gupta clearly. Undoubtedly, the Judicial Committee has given a decision that if a document is lost and a secondary evidence is produced in court, it has not the value of the document itself. I think no other decision is possible; you cannot make the court accept document without giving some evidence as to the genuineness of the ancient document by somebody who knew what the document contained; otherwise, it is possible for anybody to destroy the title of anybody by some such secondary evidence. There is a third danger with reference to the ancient Indian documents. My friend is not quite unfamiliar with the fact that in many houses in Bengal old stamps and blank papers are still available (they have not yet been exhausted, and it has not been possible for Government to find out whether they have been exhausted) and probably a man can be found who can copy old things on old paper. It will be very dangerous for Government in that case to give to that document the sanctity of law which is given to an ancient document produced in court and accepted by it as part of the evidence. If my friend the Raja Bahadur will take legal advice, he will find that a document produced in court can be preserved in such a manner as not to be destroyed or mishandled. After all, if he immediately takes a certified copy of the document and keeps the original in court for the purpose of inspection only, I hope the court will agree to it. Anyway, I am not his legal adviser, and I think he can get the best legal advice so far as possible for him. From the point of view of Government, I can say that it is very dangerous to accept a proposal of this nature. It has got many implications from the public point of view; it has got many acute technical points to consider. If my friend, the mover, or Dr. Sen Gupta wants to draft a Bill, I can certainly give him all the facilities that he may require.

The motion was then put and lost.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: I beg to move that the demand of Rs. 8,73,400 under the head "9B—Registration—District charges—Pay of officers" be reduced by Rs. 100.

Sir, the object of my motion is to see that the party does not suffer unnecessarily for the impounding of the document. It is often found that when a party produces a document for registration the Registrar does not object to the amount of stamp affixed on it but accepts and registers it. But afterwards when it goes to the District Office, the District Registrar impounds it and the impounding fee is about 5 and 6

times the stamps to be affixed. If a party wilfully neglects to affix the proper stamp to the document, he must suffer, he must be penalised, but if he acts on the advice of his lawyer and his *bona fides* cannot be questioned I think for the sake of justice he should not be punished. Rule 21 of the Registration Manual says that on the presentation of a document for registration the registering officer shall first satisfy himself—

(*a*) that it has been presented at the proper office;

(*b*) that it bears the proper stamp or is exempted from, or does not require, stamp duty.

Rule 22 says that if any of the conditions indicated in clauses (*c*) to (*i*) of rule 21 have not been complied with, or if the presentant refuses to pay the proper registration fee, the document must be returned at once.

In the rule the items (*a*) and (*b*) have been wilfully omitted. One of the items is that the registering officer should see that the document bears the requisite stamp. My object is that the registering officer should see that the document bears the requisite stamp before presentation. It should be one of his duties to do so. If the registering officer informs the party that the deed does not bear stamp of proper value and if the party still persists to have it registered, then he can impound it. For the sake of justice, therefore, I request the Hon'ble Minister to see that the provision of Rule 21 (*a*) and (*b*) be added in Rule 22.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I think we are fast coming to a time when we shall be told that Government must provide for cooking the food, serving it on the table and bringing it to the mouth as well. In every transaction there must be somebody responsible for seeing to everything. I think it is quite within my friend's power to say that the registering officer should see that the words in the document are properly spelt and that the letters and everything else concerning the document are quite all right. My friend does not realise the very great danger involved in such a procedure. Supposing a document goes to a Sub-Registrar who is not a Stamp Officer. He works his brain to find out as to what amount of stamp will be necessary and whether it has been adequately stamped or not; he advises the party accordingly and then that advice is found to be wrong. Later on, the document is produced before the court and if it is found at that stage that the document was inadequately stamped, it would be impossible for Government to realise it, even if it were really demanded, because the party might plead that the document was stamped on the advice of the registering

officer. If my friend would turn over to the other pages of the Registration Manual, he will find that some working rule has been provided. If he will turn to rule 41 he will find that if the executant of, or claimant under, a document, who is in doubt about the proper stamp duty leviable on it, consults a registering officer on the subject before formal presentation, the required information may be given to him without impounding the deed. It may at the same time be explained to such person that if he wishes to obtain an authoritative opinion, he must apply to the Collector under section 31 of the Indian Stamp Act, II of 1899, for adjudication. But any deed formally presented with an insufficient stamp must be impounded. That is a sort of working rule, except for purposes where really legal advice is necessary. No Sub-Registrar can take the place of an advisory officer on a technical matter on which even sometimes the Collector may not be able to advise. In any case, so far as my friend's complaint is concerned, I am afraid my friend is labouring under a misapprehension, that under the rules the Sub-Registrar can tell the party in a rough and ready manner as to how much stamp will be necessary on a particular deed. If the Sub-Registrar were given that authority, it might lead to bribery and corruption. It is for very good reason that the Sub-Registrar has not been given any authority to find out what should be the stamp duty on a particular deed. Further, if in addition to his own duties the Sub-Registrar is to give advice on the amount of stamp required on the deed, it will break his neck and it will be impossible for him to do that. I hope my friend will realise this difficulty and withdraw his motion.

The motion was put and lost.

Babu NAGENDRA NARAYAN RAY: I beg to move that the demand of Rs. 50,000 under the head "9B—District charges—Cost of transmission of landlords' fees—Contingencies" be reduced by Rs. 100.

Sir, I do not like to make any speech over my motion as the time allotted to this head does not permit me to do so. I simply want to draw the attention of Government to the desirability of making over to the district board the amount of forfeited landlords' fees without delay.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, orders have already been issued to credit to district boards the amounts payable to them on account of landlors' fees forfeited under section 18C of the Bengal Tenancy Act in respect of the years 1926-27, 1927-28 and 1928-29. With regard to the following year 1929-30, there was a sort of accident. Lapsed deposits for 1929-30 that became due to the district boards on 1st April, 1935, have not, however, yet been paid. The statements showing the amounts to be made over to the district

boards as received from the Collectors were objected to by the Accountant-General. There were some inaccuracies and the Accountant-General sent them back. The Collectors were then asked to correct the mistakes. The revised statements have been received and draft orders have already been prepared—they have not yet been issued but will be issued very soon—for payment to the district boards. I hope after this explanation the mover will withdraw his motion.

The motion was then, by leave of the Council, withdrawn.

Maulvi ABDUL HAKIM: I beg to move that the demand of Rs. 17,99,000 under the head "9B—Registration—District charges" be reduced by Rs. 100.

(At this stage the time-limit for the discussion of the demand was reached.)

The motion was then put and lost.

The main demand was, then, put and agreed to.

9A—Scheduled taxes.

The Hon'ble Sir JOHN WOODHEAD: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 8,000 be granted for expenditure under the head "9A—Scheduled taxes."

Mr. P. BANERJI: Sir, as the time is very short, may I have your permission to move the two motions that stand in my name together?

Mr. PRESIDENT: Yes.

Motions for reduction or refusal.

Mr. P. BANERJI: I beg to move that the demand of Rs. 5,000 under the head "9A—Scheduled taxes—Betting tax" be reduced by Rs. 100 (necessity of abolition of betting).

I also move that the demand of Rs. 5,000 under the head "9A—Scheduled taxes—Betting tax" be reduced by Rs. 100 (increase of unauthorised betting).

Sir, my views on this question are well known. By this motion I want to ask Government whether it is not time that betting in the race course should be altogether abolished. From this betting Government get a little over Rs. 9 lakhs. Unauthorised betting outside the race course is increasing very rapidly, and it is going on in certain clubs as well. When I moved a motion in this House urging Government to put a stop to this unauthorised betting, the Hon'ble Member said that Government could not at least trade with the

gambling instinct of human beings and that Government considered that they must not allow these things to be brought within the limits of people of small means by introducing dog races, etc., with a view to stop this unauthorised betting. The result is that unauthorised betting is going on and increasing very rapidly. Therefore, I ask Government whether it is time that the Titanic should be sunk, whether it is time that the Turf Club should be closed so that unauthorised betting may be stopped? With these words, I commend my motion to the acceptance of the House.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I know it is very difficult to stir the conscience of the Government of Bengal, especially of the Hon'ble the Finance Memeber, where money is an important factor. Sir, we have been drawing attention to this question year after year with a view to compelling the Government to make their position clear. Sir, I do not feel any hesitation in saying that there is a dirty spot in the administration which the present Government—I mean the Government as at present constituted—have failed to wipe out. Sir, if the Government of Bengal consider that it is a wrong thing to encourage betting, it should be their clear duty to stop all betting, including the betting that is carried on under the auspices of a monopolistic body, viz., the Royal Calcutta Turf Club, as also the betting that is carried on in the streets by all and sundry. Sir, if they do not do that, they lay themselves open to the charge that they are interested in keeping up a monopoly. Sir, the time has come for the Government to examine the matter rather seriously. The time is past when such monopoly interests escaped the notice of the public. The feeling is abroad that Government's attitude is full of hesitation, because the interests of the members of the Royal Calcutta Turf Club are concerned in this matter. Sir, this is one aspect of the question. Another aspect of the question is this. Why should the Government of Bengal incur any expenditure in collecting this tax on betting? Do they incur any expenditure in collecting the Entertainments tax? Do they pay out on the same basis as they pay to the authorities of the Royal Calcutta Turf Club? Then, if the Government do not pay anything to the *zemindars* for the collection of cess, why should Government incur this expenditure or pay anything to the Turf Club for the collection of this tax? I do not know how certain members, who are always loud against the *zemindars* and the permanent settlement, feel in this matter. I should like to hear the views of Mr. Thompson in this matter.

Sir, another point that I would like to draw attention to in this connection is this: Why don't we find the expenditure that is to be incurred for collecting the Tobacco tax? When the Tobacco Bill was before us, we were given to understand that it was one of the scheduled taxes.

The Hon'ble Sir JOHN WOODHEAD: May I suggest, Sir, that these points are not relevant?

Mr. PRESIDENT: I would not mind if he says that to illustrate his point or by way of comparison, but I daresay, Mr. Ray, you have no intention of labouring the point.

Mr. SHANTI SHEKHARESWAR RAY: No, Sir; certainly not. However, as the time for the discussion of this demand is very short, I should give the Hon'ble Member, who has asked for this grant, an opportunity to reply.

The Hon'ble Sir ROBERT REID: With your permission, Sir, I shall endeavour to reply. Mr. Banerji has told us that his attitude in this matter is well known. It may be well known to other members of this House, but from my past experience and from what I have heard fall from his lips on previous occasions, I am still completely befogged as to what his attitude is. He often inveighs against the evils of betting——.

Mr. W. H. THOMSON: On a point of order, Sir. May I enquire if Sir Robert is answering for the Government or is speaking as a Steward of the Royal Calcutta Turf Club? (Laughter.)

Mr. PRESIDENT: I am sure he is not speaking in his dual capacity. (Laughter.)

The Hon'ble Sir ROBERT REID: I prefer to speak on behalf of the Government, Mr. President.

As I was saying, Mr. Banerji has told us to-day that he wants to abolish betting altogether; but I remember, and I expect the House also remembers, that on a previous occasion not so many months ago, he placed a Bill before the House in order to legalize betting on dogs. He will, probably, correct me if I am wrong, but I think I am correct in saying that in the Statement of Objects and Reasons of that little Bill he mentioned as a point in its favour that it would bring in money to the coffers of Government; in other words, he was quite prepared——.

Mr. P. BANERJI: That was about a State lottery.

The Hon'ble Sir ROBERT REID: I thought he would correct me, and he has done so. But a State lottery is just as bad.

Mr. P. BANERJI: That was merely to test the Government.

The Hon'ble Sir ROBERT REID: It may have been to test the Government, but still Mr. P. Banerji openly stated and openly had

it put in print that he was prepared to encourage the innocent public to risk their hard-earned wealth upon some risky enterprise whether it was a State or a private lottery. After all a State lottery is as much a gamble as staking money on horses, dogs, or any other kind of eventuality. So, I say I was completely befogged as to what Mr. Banerji wanted us to do. To-day he wants us to abolish betting. Well, Sir, the attitude which Government take in the matter is that they do not encourage gambling, and I agree with Mr. Banerji and Mr. Shanti Shekhareswar Ray when they say that it is wrong to encourage gambling; but Government take a practical view of the matter. They admit—as we all must admit—that the gambling instinct is strongly implanted in the human breast, and I have no doubt that many members of this House have had a flutter on the stock market, on the *fatka* market, or on the race course. But what I conceive to be the sensible view of the matter is to try and limit gambling to conditions on the race course where betting is carefully organized and is in reliable hands. This outside betting —this bucket-shop betting—to which Mr. Banerji has referred, is an evil which the Police do endeavour to try and stop. It is extremely difficult to stop it. It is carried on in a surreptitious sort of way, and in very small sums, and it is extremely difficult to get hold of the people who really run it. It is also difficult to ensure that such deterrent punishment is inflicted on them as will make it not worth their while to indulge in this sort of betting. The whole thing is this: If you are going, as Mr. Banerji has suggested, to make all gambling illegal, where are you going to get to? It makes one think of the complete failure in America of Prohibition. The American said: "We shall prohibit the evil of drinking." They did make the purchase, sale, and consumption of alcohol illegal, but that did not stop drinking. That is exactly what would happen supposing you attempted to make gambling as a whole illegal here.

Mr. Shanti Shekhareswar Ray told us a good deal about the alleged monopoly of the Turf Club.. Then, again, Sir, it is not as if the Turf Club takes the entire proceeds of the gambling that goes on in the race course. Very far from it. As Mr. Banerji himself said, several lakhs of rupees go into the coffers of Governmnt *via* the race course. Further, the Turf Club collects the money on behalf of Government at, I think, a comparatively reasonable rate. Sir, I beg to oppose both the motions of Mr. P. Banerji.

Both the motions of Mr. P. Banerji were put and lost.

(The time-limit allotted for the discussion of this head having been reached, no further motions were allowed to be moved.)

The original demand of the Hon'ble Sir John Woodhead that a sum of Rs. 8,000 be granted for expenditure under the head "9A—Scheduled taxes" was then put and agreed to.

XIII, 15 and 55—Irrigation.

The Hon'ble Khwaja SHAHABUDDIN: Sir, on the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 34,29,000 be granted for expenditure under the heads "XIII—Irrigation—Working expenses," "15—Other revenue expenditure financed from ordinary revenue," and "55—Construction of irrigation, navigation, embankment and drainage works not charged to revenue."

In framing our budget for the ensuing year, we have kept in view the still unsatisfactory financial position of the province, and although the budget shows improvement in many respects over that for the current year, we have not been able to find funds for new major projects and have had to be content with the minimum necessary to enable us to carry on the ordinary normal activities of the department. The demand for next year is actually Rs. 8,19,000 more than the original grant and Rs. 5,79,000 more than the revised estimate for the current year. The two principal items that account for this increase, viz., the reconditioning of the Anderson Weir on the Damodar Canal, and the provision made for contour surveys, I will deal with them in detail later. I wish now only to emphasise the fact that, excluding those items, the Budget provides for an expenditure which is a little less than the original voted grant for the current year and is the absolute minimum required to enable the department to carry out its normal duties.

The House will notice that the only provision for new works is the small sum of Rs. 4,909. This is for a few small schemes which are considered to be indispensably necessary in the best interests of the department.

The details will be found in the Budget estimate of the department, and I need not mention them here. Apart from this sum, no provision has been made for any new works. The remainder of the provision for original works, as will be found from the figures given on pages 25 and 26 of the departmental budget, is for certain works in progress and for the two principal items to which I have already referred and with which I will now deal in greater detail.

Take first the provision of Rs. 93,000 under the head "15B—Miscellaneous—New survey." From the footnote on page 26 it will be observed that Rs. 83,000 is for new surveys—contour survey, and Rs. 10,000 is provided for gauge readings.

It will also be noticed from the same page that Rs. 29,000 has been provided for contour survey in the current year. The Hon'ble the Finance Member in his Budget speech has made a reference to this provision, and I think it necessary that I should explain to the House the meaning of these figures and the policy that underlies them.

It has been said and will probably be said again that Government are making delay in bringing into operation the provisions of the Bengal Development Act. That is not so. Government are taking all the necessary preliminaries to bring the Act into operation. But, as this House was repeatedly informed when the Bill was under discussion here, the preliminaries which are absolutely necessary before the Act can be applied with proper advantage to new major projects cannot be compressed into the space of a few weeks, or even a few months. One of the most important preliminaries, if not the most important, is the necessity for the collection of adequate data for the proper examination of new schemes.

Without adequate data, progress in the execution of large irrigation projects is clearly impossible. With a view, therefore, to the working out of schemes which it is hoped to bring before this Council as early as possible for execution under the provisions of the Development Act, Government have decided to undertake surveys in parts of Western and Central Bengal where there is the best prospect of early completion of large irrigation schemes to which the provisions of the Act may suitably be applied. A start has, in fact, already been made in the current year. The present programme for contour surveys is a three-year one. Rupees 29,000 has already been allotted this year for this purpose, and it is proposed to allot Rs. 79,000 for the same purpose next year. The programme will be completed in the third year.

I may mention for the information of the House that among the areas selected for survey during this year and the next are those which it is hoped will be covered by such schemes as the More Reservoir Scheme and the Dakeswari Scheme.

Both these schemes have been partially investigated by the department and considerable progress has been made with them. The former is a large scheme for providing irrigation facilities on a large scale to the districts of Murshidabad and Birbhum. The latter is a scheme for the benefit of Bankura district in particular. Before these schemes can be completed and finally examined, the information which can only be collected by a detailed contour survey is required. These are not the only schemes which Government have in contemplation but, as I have explained, they are schemes in connection with which some progress has already been made and they, therefore, offer a reasonably good prospect of being ready for the final consideration of Government and of this Council at an earlier date than large projects about which no accurate data have so far been collected. I trust that what I have said will show to the House that the department is doing all that is possible with the limited resources at its command, and that it is entirely wrong to say that we are doing nothing to bring about as speedy an application of the Development Act to new projects as is humanly possible. I

have explained the reasons for the provision of funds for contour surveys; let me now take up the provision made in the Budget for the reconditioning of the Anderson Weir.

As members are aware, the Anderson Weir on the Damodar Canal was seriously damaged by the abnormally high floods in August last. Members are also aware that Government called in the advice of an expert from the Punjab where they have had long experience of similar weirs. This expert examined the weir and submitted a report, which was considered by a committee consisting of three Chief Engineers in the Punjab. According to the report of that committee, Government decided to undertake at once the essential repairs to the Anderson Weir, and members will recollect that a supplementary demand for this purpose was made and granted in the last session. That grant was for urgent work during the current year necessary to prevent the possibility of a total collapse of the weir during the next floods. A reference to the footnotes on page 26 of the Departmental Budget will show that Rs. 3,33,000 is being spent during the current year on those repairs which had to be undertaken without any delay. The Budget for next year contains a provision of Rs. 8,12,000 for completing the repairs necessary to make the weir safe and efficient.

The revised estimate for repairing and reconditioning the weir is Rs. 12,98,000, of which Rs. 11,45,000 is debitable to works under head "55," and Rs. 1,53,000 to "Maintenance and repairs" under head "XIII-A." When this Council was asked last session to vote the supplementary demand, members were informed that the estimate for the special repairs amounted to Rs. 9,27,000. An explanation is due of the increase of Rs. 3,71,000 for which provision is now being made. The reason for the increase is this: In the report of the Punjab experts which was first submitted to Government it was stated that repairs to the extent of Rs. 9,27,000 were absolutely essential and must be carried out at once if the weir was to be saved. It was also stated that in the opinion of the committee further works for the better protection of the weir were very desirable but that, pending an examination of the results of certain tests in the research laboratory at Lahore the committee were not unanimous that they were essential and since the financial position of the Government of Bengal precluded the spending of more money than was absolutely necessary, they might perhaps be omitted. Subsequently, a further report was received after the experimental tests had been carried out, and it was recommended that the additional work already suggested as highly desirable should also be carried out. This additional work consists principally of a line of impervious piling on the down-stream side of the weir in addition to the piling accepted as essential on the up-stream side. After mature consideration, Government have decided that this work must also be done and that it would not be prudent to omit it. This explains the increase in the estimate.

I trust that what I have said will make it clear that Government, after very careful consideration, are doing no more than is, on the best possible advice obtainable, necessary to ensure the safety and proper working of this very important structure upon which the whole system of irrigation from the Damodar River depends.

I have now explained in full the reasons for the provision in next year's Budget of approximately Rs. 4 lakhs more than is provided in the current year's Budget under the heads "Works" and "Extensions and improvement." Members will observe that the provision for "Maintenance and repairs" under all heads in next year's budget amounts to Rs. 14,07,800 as against Rs. 12,25,400, the grant for the current year. The proposal for next year, however, includes the following items:—

Rupees 86,000 for special repairs to the Anderson Weir. (This I have already explained.) Rupees 61,000 as reserve for unforeseen requirements, such as flood damage. (This is the usual precautionary measure and is necessary.) Rupees 2,21,000 on account of adjustment of charges for loss of stock on dredgers. This last item, perhaps, requires some further explanation. This is a book adjustment. This sum is debited under head "XIII-A" and a *per contra* credit of the same amount has been taken under head "15B—Suspense," as will be seen from the entries on pages 10-11 and 19 of the Departmental Budget. The plus and minus entries thus cancel each other ultimately and do not affect the Budget total. The loss on stock referred to in these items represents the difference between the book value of certain spare parts of the five dredgers and their present market value. These spare parts were bought and paid for along with the dredgers themselves. They were shown in the past as part of the capital expenditure on dredgers. They are, however, more properly accounted for as stock and, therefore, they were some time ago transferred in the accounts to that head. The transfer was made according to the original value and since they have been in stock for a considerable number of years, they have now been written down to their actual market value. Allowing for spare parts that have been used, for certain petty losses and for depreciation, the difference now to be adjusted in the stock account amounts in all to Rs. 2,21,000.

This brings me to the subject of the dredgers themselves. The department has in all 5 dredgers—the *Foyers*, *Alexandra*, *Ronaldshay*, *Cowley*, and *Burdwan*. Owing to the fact that during the past few years there have been no funds available for expenditure on new big waterways projects involving large dredging operations, these 5 vessels have not been fully employed, and there has been in some quarters a persistent demand that they should be got rid of.

For the information of the House I will endevour to explain the facts of the case. The dredger *Foyers* was purchased in 1907, the

Alexandra in 1914, the *Ronaldshay, Cowley,* and *Burdwan* in 1923-24. The *Foyers* is nearing the end of her life. She has been a most useful vessel and economical to run. After her last reconditioning she was independently examined and it was found that she could not be expected to last for more than 4 years. Nearly 2 years have already passed since then and after, at most, another 2 years it will not be economical to keep her in service. To replace the *Foyers*, the department must have at least one dredger. Government are advised that for this purpose the *Ronaldshay* is the most suitable dredger and therefore she must be retained. The *Ronaldshay*, however, is a very powerful vessel, and it would not always be economical to use her for the lighter work which the department is called on to undertake. For this lighter work in the smaller rivers and *khals* the *Alexandra* is more suitable and more economical. She, therefore, must also be retained for this work and also as a reserve to the *Ronaldshay* when the *Foyers* has been scrapped. There remain the *Cowley* and *Burdwan*. It is true that in the last year or two these vessels have not been adequately employed and that they have not paid their way, so to speak. That it would be wise to scrap these vessels Government are by no means convinced, but in deference to the desire expressed in this House, Government have been making endeavours for their disposal at a fair price. During the current year advertisements with complete specifications of these vessels have been sent to every province in India and to the Indian States, to the High Commissioner for India in London and to the High Commissioner for Egypt. In fact, Government have used every means at their disposal to advertise these dredgers for sale throughout the world. As a result of this advertisement, we have already received two enquiries—one from France and one from Burma. In both these cases negotiations are proceeding.

In addition to this, Government are awaiting a reply to their enquiries through the High Commissioner for Egypt, regarding the use of one of these vessels for the dredging of the harbour at Alexandria, a project which has recently been taken up by the Egyptian Government. In these circumstances, it is not possible for Government to consider any proposal to dispose of these two dredgers as scrap.

Figures have in the past been quoted to show that Government are spending annually very large sums of money for the upkeep of these dredgers. If members will turn to pages 10-11 of the department's Budget they will find that, excluding expenditure on account of adjustment of loss of stock which I have already explained, the dredgers *Cowley* and *Burdwan* are estimated to cost during the ensuing year a total sum of Rs. 58,400. To come to a decision now to dispose of these two vessels for a few thousand rupees as scrap in order to save the cost of their upkeep for another year, would obviously

be unwise, when there are chances that they can be disposed of at fair market rates, that is to say, for several lakhs apiece. In my explanation I have taken no account of the interest charges or the repayment of loan on account of these vessels. Those items of expenditure will have to be met whether the dredgers are scrapped or sold at fair prices or not sold at all. They do not, therefore, affect my argument. I would, however, point out that those payments on account of interest and loan will be completed in a few years' time and these vessels will then be the absolute property, so to speak, of the Bengal Government.

I turn now to the remaining itmes of the Budget about which there is not a great deal to be said, since they include nothing more than the usual ordinary charges for carrying on the routine work of the department.

Take first "Establishment charges." The total provision distributed *pro rata* under the several major heads is Rs. 13,23,000, the same as the current year's grant. There is a slight increase in regard to voted establishment over the current year, but this is counterbalanced by a decrease in non-voted establishment. The slight increase in voted establishment is accounted for by the normal increase due to increments of pay and to the provision made for extra temporary staff in the Damodar Canal Division. The decrease in non-voted establishment is due to a decrease in the cadre of All-India Service Officers, which as a measure of retrenchment has been reduced from 30 to 19. There has also been a reduction in Provincial Service Officers from 21 to 16, and there have been reductions in subordinate and temporary staffs and in the various offices. In short, establishment charges have been reduced to the absolute minimum.

Lastly, we come to the head "Tools and plant." The provision under this item is Rs. 62,600 or about Rs. 2,000 less than for the current year. Here, again, a minimum provision has been made, having regard to the normal requirements.

In conclusion, I would like to say again that the Budget of the Irrigation Department has been framed with the utmost economy and with due regard to the unsatisfactory financial condition of the province.

It contains nothing that is not necessary, and I am afraid that it omits much that is desirable but that cannot be undertaken in the present state of provincial finances.

In this connection, I may refer briefly to the proposed establishment of a Waterways Board under the Bengal Waterways Act of 1934. As members will remember, the proposal to establish this board and the passing of the Waterways Act was a direct outcome of

the Report of the Waterways Enquiry Committee of 1930. That committee was of opinion that for the better maintenance and development of our great rivers and waterways as well as for the extremely urgent and important work connected with the resuscitation of our dead and dying rivers, a considerable expansion of the Irrigation Department was necessary. As a result of the committee's recommendations, Government gave their serious consideration to this question which was very largely one of finance. The result was the Waterways Act of 1934 which was to enable Government to set up independently of the Irrigation Department an authority to undertake this extremely difficult and important work. Since it was not within the bounds of possibility that Government could, with their existing resources, finance the operations of the board, the Act provided, in addition to a limited contribution from provincial revenues, for the imposition of certain fees and tolls on river-craft of all descriptions to raise the necessary funds that the board would require for its operations. Unfortunately, the financial condition of the province has prevented, and still prevents, the formation of the board and Government consider that in present circumstances there is little prospect of the board being able to commence its operations with any reasonable hope of success. The House may, however, rest assured that Government are very carefully watching the situation and that the establishment of the board will be proceeded with as soon as Government have reason to believe that conditions have sufficiently improved to allow the board a fair chance of functioning efficiently.

In the meantime, the department is doing all that it can with its very limited staff and funds to meet the situation. The investigation of schemes in connection with the resuscitation of the dead and dying rivers of Central Bengal is proceeding and, as the House is aware, certain comparatively small but important works have been carried out.

Before I resume my seat, I would ask members to bear in mind the difficulty and complexity of the numerous problems that confront the department, and the fact that staff and expenditure have been reduced to the utmost possible limit.

A very great deal of the normal work of the department is not spectacular, but nevertheless it is of vital importance to the health and prosperity of the province. To take an example, the department, while adopting the policy of the gradual abandonment of embankments constructed in many cases long ago as a crude method of protection and insurance against floods and the incursion of saline water, still continues to maintain many hundreds of miles of embankments upon which depend the safety and the livelihood of many thousands of people.

I will not weary the House with further details concerning the variety of work done by the department. What I have said is, I hope, sufficient to show that the grant which is now demanded is the irreducible minimum for the many requirements of the department.

With these words, Sir, I move my motion.

Motions for reduction.

Mr. NARENDRA KUMAR BASU: Sir, I beg to move that the demand of Rs. 28,500 under the head "XIII—Irrigation expenses—A (Productive) Extension and improvements—Damodar Canal including Eden Canal" be reduced by Rs. 100.

It will be in the recollection of the House that when the Rural Development Bill was on the legislative anvil, it was stated by the Hon'ble Member in charge of Irrigation that the important question of the rivers and canals in Bengal could only be satisfactorily dealt with under the Rural Development Act, and it was pointed out that whatever might happen to that Act in the future, the scheme for the levy of improvement fee, rather the development fee, should certainly operate in the case of the Damodar and Eden Canals combined. The reason for this, as was pointed out from this and other sides of the House, was not far to seek. The Damodar Canal was excavated at the cost of crores of rupees (I think I shall be right in saying at an amount of about 70 per cent. over the original estimate, which was large enough in all conscience) and it was apparent to Government that unless they made a law by which the cultivators had to pay a certain money, water or no water, this reckless expenditure could not be met. Why meeting the expenditure, interest on the same would not be paid? The policy of the Irrigation Department of Bengal has been under criticism for a long long time now. Not to take the memory of the Council back over a long series of years, if you go back only 3 years, you will find in March, 1933, during the Budget session the then Hon'ble Member in charge of Irrigation, talking of the resuscitation of rivers and canals, said that it must be done by the Waterways Trust and said that he expected to see the Waterways Trust in being within that year—1933. In March, 1934, when the same Hon'ble Member was in charge of Irrigation and he was tackled he said: "Well, gentlemen, do not lose patience; you will have the Waterways Board at the earliest possible opportunity." I am putting his very words. Then in March, 1935, came a new Hon'ble Member and a new orientation of things. The Waterways Bill had been passed by the House about two years back. The next one was the Rural Development Bill and the Hon'ble Member said: "We must have it under the Rural Development Bill." Now that Hon'ble Member has gone away for a short time on a pilgrimage, an Amurath

succeeds, and that gentleman will presently get up and say: "You will have to wait till the Water Hyacinth Bill is in operation." Sir, that is the sort of thing that we are witnessing in this House and, probably, from all that we hear, if the life of the Council is again prolonged, we shall have the sight of some other Bill—I do not know what it may be—we hear we will have an extension till November. There will possibly be another Bill for the purpose of carrying on a propaganda against malaria and small-pox in charge of the Hon'ble Minister for Public Health, and then the Hon'ble Member in charge of Irrigation will say wait till that Bill is in operation as that Board will take up as part of its duties charge of the inland rivers and channels. Sir, joking apart, I do think that Government ought to come out with something substantial in the way of improving this dreadful problem of resuscitating the dead and dying rivers of Bengal. It is no use having canals and having weirs which break down within 4 months and then having engineers from all over the world to help you at an enormous cost and say—Well, just pay another crore and the thing will be all right! It is much too fantastic a claim made on behalf of Government for these bills, and what they do say is that they will sit down with folded hands, and like the Bengal peasant who waits for rain from heaven, the Government of Bengal wait for some providential dispensation by which the rivers can be made to flow again. We have had no policy, we have had enough of talks and the people of Burdwan, who have got to pay rates whether they get water or not, are sick of having these cheery hopes held out to them from year to year. I have tabled this motion for the purpose of hearing what the policy of the department is, not what the policy of the Hon'ble Member for the time being is. We were, at least I was, under the impression that the change of the personnel of a member of Government does not mean a change in the policy of the Government. I have been waiting to hear what the new Member who is looking after the physical needs of Bengal, while the permanent Member is looking after his own spiritual needs, has got to say.

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, I am sorry that Mr. Narendra Kumar Basu was not here when I explained the steps taken by Government to bring the Act into operation. The Act received the assent of the Governor General in January, 1936, and notifications have been issued and preliminary steps are being taken to bring it into operation. As far as the other Bills are concerned, I have nothing to do with them, but as far as the Bengal Development Bill is concerned, as I have explained in my introductory speech, Government are taking all the steps to bring that Act into operation as quickly a possible. There has been no change of policy and the department is working on the same assurance that was given by the

then Hon'ble Member in charge. I believe Mr. Narendra Kumar Basu wanted just to know what the Government had been doing to bring the Bengal Development Act into operation.

Mr. NARENDRA KUMAR BASU: Not that, but what you are doing about rivers and canals.

The Hon'ble Mr. Khwaja SHAHABUDDIN: As far as rivers and canals are concerned, as I have explained in my introductory speech, we have not got money to take up big schemes and works. There is another most important point as far as these schemes are concerned. We have not got sufficient scientific data at our disposal to go on with any scheme. I have explained, Sir, certain Budget provisions have been made to collect these scientific data and things like that, and unless and until those scientific data are collected, no scheme can be properly worked. That is the position. I believe when the Development Bill was under consideration in this House, the then Hon'ble Member in charge explained the position and there has been no change since then. Within the last six months the financial position of Government has not materially changed that Mr. Narendra Kumar Basu can say that Government have got sufficient money at their disposal to go on with such big schemes. Nor have they been able to collect sufficient data to go on with those schemes. This is the position of Government. As I have explained, a contour survey is necessary to enable Government to decide which schemes ought to be taken up and how to proceed with them. Sir, this is the explanation that I have to offer.

The motion was put and lost.

(The Council was then adjourned for fifteen minutes.)

(After Adjournment.)

Maulvi SYED MAJID BAKSH: I beg to move that the demand of Rs. 30,350 under the head "XIII-A—Working expense—Extension and improvements" be reduced by Rs. 100 (necessity of forming a mixed committee of the Railway and Irrigation authorities to go into the whole question of opening sufficient waterways in the Eastern Bengal Railway line and to let in sufficient water into the Mathabhanga with the object of reviving the dead and dying rivers of the Nadia and Jessore districts and incidentally to provide security to the Hardinge Bridge).

Sir, I have made clear in the note appended to my motion the object for which I am moving this cut. It is a subject which I have

been dinning into the ears of Government year after year. It is a subject which is fraught with so much importance, which is so vital to the interest of this province and which is so important to the life and health of the inhabitants of the districts of Nadia and Jessore that I cannot but emphasise too much upon the importance of it. Last year I showed to the Hon'ble Member in charge of Irrigation from the map that I had with me that the rivers of the districts of Nadia and Jessore take their rise principally indirectly from the Ganges but directly from its branch which is known as the Mathabhanga. A little glance at the map of these localities will show that the five rivers which run their course through the districts of Nadia and Jessore, all rise from that important river. Nature in its wisdom had provided sufficient inlet of water into these rivers in days past, but human hand interfering with the work of nature has caused havoc the like of which is yet to be seen. If you look to the history of Jessore by Mr. Westland, you will find that formerly this river Mathabhanga had a curved course rising from the Ganges where it rises now and all the six rivers of Nadia and Jessore, the Nabaganga, the Bhairab, the Betna, the Ichamati, the Chitra and so on, had their rise from that curved river which the hand of nature had worked out for its passage. You will find that near about the year 1830 the Collector of Nadia, for which I have a special grudge against the people of Nadia, tried to straighten out the course of that river. His name was a great name, but its effect was very bad for us; his name was William Shakespeare. The Collector of Nadia straightened the course of the Mathabhanga by digging an outlet—a channel—for it in a straight line, and the result of it is that we have the Mathabhanga as at present, a river straightened down, naturally leaving its curve dry, with the sources of the rivers dried up, having no flushing water to fill its course. If I could show the course of the river on a blackboard, I could convince the Hon'ble Member and my friends here that this single act was responsible for destroying two big districts of this province. The river was coming down in a curved course and it was straightened out. Naturally, the river that was flowing along a curved course changed its course, dry land intervened, and the other rivers dried up. To heap misery upon us, now came the Eastern Bengal Railway line. The Mathabhanga was able to feed these rivers more or less to a certain extent, but the Eastern Bengal Railway line was laid parallel to the Mathabhanga. As I have clearly pointed out in the small booklet I published last year, a copy of which was presented to the Hon'ble Member in charge of the Irrigation Department, this line laid by human hand but without any brain, stopped the course of these rivers, and right across the channel of these rivers the railway embankment was laid and the railway line was carried over it. If you go to the station Darsana, you will find that that station is situated exactly on the bed of the river

Chitra. If you establish railway station on the bed of a river, what becomes the fate of that river? The river dies out, and such has been the case with the Chitra. Sir, I have pointed out these things in my booklet, and, fortunately, the year before last there was an unprecedented flood, which, also, I have mentioned in my booklet.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Perhaps, my friend has made a mistake: the Chitra is nowhere near Darsana.

Maulvi SYED MAJID BAKSH: The Chitra was there, but it has changed its course since a station was established on its bed. You can take it from me that if you establish a railway station on the bed of a river, that river will certainly have to find out another outlet. If you read the history of these rivers—for example, if you go through Mr. Westland's history—you will find that formerly the Chitra was there, and that it is the railway station that diverted its course, with the ultimate result that it dried up. It is for this reason that I suggest that since the railway has played such havoc with our rivers, it is but just and proper that the railway should see that some help is rendered by it to resuscitate them. If these rivers, Sir, had simply died out as water-courses, I would have no objection. But, Sir, along with this dying out of these rivers have come malaria in its wake, and infertility and impoverishment of land to an extent unheard of before. The people that populated these tracts of land have died out like flies. Malaria and other diseases have played havoc with them, and these lands and regions are lying desolate. Not only that, Sir; the tracts of land in Jessore and Nadia through which the rivers Kapotakshi, Nabaganga, Bhairab, and Chitra flowed are now laid practically waste and are unfit for human habitation. You will find that the climate of these parts of the country was so healthy and nice, that even Europeans settled and lived there. You will still find there the big *kuthis* of the indigo-planters lying desolate without anyone inhabiting them, because on account of the climate becoming malarious these planters found it impossible to live there.

(At this stage the Hon'ble the President vacated the Chair, which was occupied by Mr. Deputy President.)

Only a few years ago the sole inhabitant of this place was a lady named Mrs. Monnier, who had a *kuthi* there. She used to live, Sir, alone, with her doors and windows shut, while jackals and wolves prowled about her house. Ultimately, she was compelled to leave the place, leaving her house to be an abode for beasts of prey. This I have repeated in this House more than once, and I think the subject is so very touching that it is not too often that I can repeat it. Therefore, Sir, I suggest that since the Eastern Bengal Railway line has done so much damage to our rivers, it is but meet and proper that

the railway authorities should make amends for it. The flood that came into the Mathabhanga and into the Ganges the year before last showed that the Hardinge Bridge was in danger. I am not an expert, Sir, but simply an amateur, but as a result of my studies of the river conditions I suggested some very simple means, viz., that if you draw out a certain quantity of water by excavating or dredging these rivers which would improve their channels and also their capacity of drawing water, you naturally decrease the flow of the Ganges, and, incidentally, afford protection and safety to the bridge. Fortunately, as soon as I had written that booklet of mine, it came to the knowledge of a very able man in the Irrigation Department, viz., Mr. T. A. Curry, the Chief Engineer, who read it and at once wrote a note upon it. I am glad to say that he has agreed with me on every point. Since then, I have been deliberating on these points, and I have been referring to these problems times without number and suggesting that some negotiations should be opened with the railway authorities, so that money provided from their funds—since our funds are depleted, since we have no money as the Hon'ble Member has already said—money drawn out from their funds for the safety of the bridge may be spent incidentally to improve these rivers. We know that the year before last the railway authorities spent 78 lakhs of rupees for the protection of the Hardinge Bridge. And what was the nature of the protection? Simply provision of boulders and stones! I say spend some amount to improve these river courses; open out the waterways; and open out your culverts, bridges below the railway lines. With this money make arrangements to let the flood-water of the Ganges pass into the Mathabhanga. What would be its effect then? The railway bridge would be safe, and, incidentally, these rivers would also be improved. That was my suggestion, Sir, but it was not accepted by Government. But, instead of leaving matters entirely in the hands of Government—because I know that Government refuse to move and they are very callous as regards expenditure and unless some inspiration comes to them from above, it is very difficult to make them work, for the simple reason that those who run the Government do not understand the problem—instead of leaving matters in the hands of Government, I went up to the railway authorities. I saw the Agent and the Chief Engineer of the Eastern Bengal Railway. They appointed a day for discussion of the subject with me. I had a long discussion with the engineers—Mr. Morgan and Mr. Harvey. They wrote a note upon the discussion to the Railway Board. This note was a confidential note and they did not give me a copy of it, but I intimated the fact of our discussion to His Excellency the Governor. The Hon'ble Member might try to obtain a copy of that note. Since then, I have been trying, according to the advice of the railway authorities, to impress upon this Government the desirability of forming a committee to go

into this whole question. This is the suggestion of the Railway Agent who told me that if I could make this Government appoint a committee they would be very glad to nominate a member on that committee. If the committee after deliberation came to some practicable conclusions, both the railway authorities and this Government would be bound to follow their recommendations. If it is proved that the action of the railways has done any harm to these rivers—these are the words of one of their engineers—if it is proved that the railway line has caused damage to the rivers and if they are asked to provide funds for that purpose, they would certainly do it, but that must be determined not by you or by me, but by a competent committee which would be able to pronounce authoritatively on the subject, and it is for this reason that I have moved this motion. I would request the Hon'ble Member to move in the matter and write to the railway authorities whether they would be willing, in the interest of the province from which they derive their profits, to go into the matter and, incidentally to consider the desirability of forming a committee. My only complaint is against the Hon'ble Irrigation Member—not the present Member, because he is quite new on the saddle—but against the Member who is now absent, and incidentally, against the department, for not taking any steps. Why should you sleep? Why should you keep idle? Move in the matter; write to the railway authorities, either to supply funds for the resuscitation of the rivers or to open out waterways in the railway line through which water may pass. If they do not agree, let there be a committee to investigate the entire question and bring out something which would be dependable. I may speak as an amateur and the Hon'ble Member, too, being new to his office may not be able to pronounce authoritatively on the subject, and even the permanent Member may not be an expert in irrigation problems. Of course, there are expert engineers in the Irrigation Department, but what the engineers of the Irrigation Department may advise the engineers of the Railway Department will veto, and so this controversy will go on for all time. If the engineers of the Irrigation Department say something, it is quite possible that the engineers of the Railway Department will veto; and if the engineers of the Railway Department say something, it is quite possible that the engineers of the Irrigation Department will similarly veto it. To avoid that, I suggest that all these heads should be put together to discuss this problem, and it is for that reason that I submit that there should be a committee and that it should go into the entire question, to find out the best possible means to revive these rivers. The Hon'ble Member in his speech spoke about the Bengal Development Act. The entire scheme of the Act is the resuscitation of the river Mathabhanga, if I remember aright. I say this from a study of the brochure written by Mr. Townend. The entire scheme is to resuscitate the Mathabhanga,

to bring in water into the Mathabhanga, to allow that water to irrigate and fertilize the land, and, incidentally, revive these rivers of which I am speaking. If you do that, you have got to do some spade-work in the first instance, and I think the spade-work should take this form. Let there be a committee to go into this question, a committee appointed by this Government and the railway authorities. If what the members of the committee say by way of agreement is approved, then there should be no objection to appoint members on the mixed committee that I propose. Let them go into and thresh out the entire problem and then come to concrete, cut-and-dried proposals.

Last year, when I spoke there was a providential help for us, viz., that the sandbanks at the mouth of the Mathabhanga were washed away and waters entered in large quantities into the Mathabhanga, but, unfortunately, this year, as I have pointed out, there being no sufficient outlet for water, the Mathabhanga could not carry as much water as it could have, with the result that the slowing current produced a redeposit of sand at the mouth of the Mathabhanga, which has increased our task considerably. You failed through your lethargy to utilize the providential help thus sent to you without any cost on your part.

Mr. DEPUTY PRESIDENT: Order, order. I must adjourn the Council now. You can continue your speech to-morrow, Maulvi Sahib.

Adjournment.

The Council was then adjourned till 3 p.m. on Tuesday, the 17th March, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 17th March, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 93 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Military route marches in Midnapore.

*58. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) whether it is a fact that military route marches are now going on in the Midnapore district;

(*ii*) whether it is a fact that durbars or meetings are held in different villages during the march and the "Union Jack" is hoisted for public salutation;

(*iii*) whether it is a fact that people of the locality, specially known Congress workers, are ordered to salute the bag;

(*iv*) whether it is a fact that people, specially Congress workers, who refused to salute the flag are assaulted by the military;

(*v*) whether it is a fact that Dr. Mohini Mohan Pati of Debra in the Sadar subdivision and Mukhtear Babu Sreedhar Chandra Samanta, Babu Kumar Chandra Jana of Basudevpur, Sutahata police-station, and Babu Rash Behari Jana of Dalinichak, Sutahata police-station, of the Tamluk subdivision in the Midnapore district, were assaulted by the military for not saluting the "Union Jack"; and

(*vi*) whether it is a fact that Sreedhar Babu, after being assaulted was served with a notice under Suppression of Terrorist Act to attend three times in a week at the Tamluk thana which is about twelve miles off from his village and not at the Moyna thana which is only three miles distant from his village?

(*b*) If the answer to (*a*) (*vi*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons for issuing of such a notice?

(*c*) Is it a fact that Sreejut Nagendra Nath Sen, a Congress worker of the Sadar subdivision, was served with a similiar notice to attend the thana twice daily?

(*d*) Is it a fact, that funds are being raised by the President-Panchayat and circle officers to meet the expenses of durbars and meetings against the objections of the people?

(*e*) Is the Hon'ble Member aware—

(*i*) that the people of the localities are financially hard hit; and

(*ii*) that consequently discontent is spreading among them?

(*f*) Will the Hon'ble Member be pleased to state—

(*i*) why repressive measures were taken against Babu Kumar Chandra Jana of Barbasudevpur in the Tamluk subdivision; and

(*ii*) why he was served with a notice to attend the Sutahata police-station twice a week?

(*g*) Is it a fact that his only offence was that he failed to put in attendance at a flag-hoisting ceremony?

(*h*) Is the Hon'ble Member aware—

(*i*) that no terrorist or revolutionary activities have been charged against the aforesaid Babu Kumar Chandra Jana; and

(*ii*) that the only offence of Babu Kumar Chandra Jana was that he took part in the agitation against the establishment of union boards in the Tamluk subdivision?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) (*i*) and (*ii*) Such marches were carried out between the middle of January and the middle of February this year accompanied by ceremonial parades at which the flag is hoisted.

(*iii*) All prominent people of the locality were invited to attend, no distinction being made between Congress workers and others.

(*iv*) No.

(*v*) Dr. Mohini Mohan Pati responded to an invitation to attend the ceremony and then deliberately insulted the flag and the military detachment. He was made to stand and salute the flag.

Babus Sreedhar Samanta, Kumar Chandra Jana and Rash Behari Jana neither attended flag-saluting ceremonies nor were assaulted.

(*vi*) Babu Sreedhar Samanta was not assaulted. He was served with a notice to attend Tamluk police-station three times a week, his home village being within the jurisdiction of that police-station.

(*b*) Notice was issued because Babu Sreedhar Samanta was engaged in activities subversive of public security.

(*c*) Yes.

(*d*) No.

(*e*) Does not arise.

(*f*) and (*h*) The district authorities were satisfied that he was engaging himself in activities of a subversive character.

(*g*) No.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether the Congress workers are usually invited in official function?

The Hon'ble Sir ROBERT REID: It depends what kind of function is meant.

Babu SATISH CHANDRA RAY CHOWDHURY: How was the flag insulted? Was it by not saluting it or by tearing it into pieces?

The Hon'ble Sir ROBERT REID: I understand that the person in question stood and acted in a way which showed that he intended to disassociate himself from the other people who were attending the ceremony and thereby made it clear that he intended to be disrespectful to the flag.

Babu SATISH CHANDRA RAY CHOWDHURY: Was any responsible executive officer present at the function?

The Hon'ble Sir ROBERT REID: I want notice of that question.

Babu SATISH CHANDRA RAY CHOWDHURY: How far is the village of Babu Sreedhar Samanta from the thana?

The Hon'ble Sir ROBERT REID: I have no information on that point, Sir.

Mr. P. BANERJI: Is the Hon'ble Member in a position to contradict me when I say that the distance is 12 miles?

The Hon'ble Sir ROBERT REID: If I had information, I would have given it.

Mr. P. BANERJI: Is the Hon'ble Member aware that Sreedhar Samanta was assaulted not only by the Commandant, but also by four other military officers afterwards?

The Hon'ble Sir ROBERT REID: I refer the hon'ble member to my answer to (*a*)(*vi*).

Mr. P. BANERJI: Is the Hon'ble Member aware that Dr. Mohini Mohan Pati did not insult the flag at all, but only refused to salute the flag?

The Hon'ble Sir ROBERT REID: I have given the answer in (*a*)(*v*).

Mr. P. BANERJI: Is it compulsory on the part of everybody to salute the flag?

The Hon'ble Sir ROBERT REID: By no means.

Mr. P. BANERJI: Is it not a fact that Kumar Chandra Jana was interned on the 2nd November?

The Hon'ble Sir ROBERT REID: I think an order was passed on Kumar Chandra Jana on or about the 2nd November. But he was not confined to his house.

Mr. P. BANERJI: Is it not a fact that Kumar Chandra Jana was home-interned and was not allowed to go out of his house from the 2nd November, 1935?

The Hon'ble Sir ROBERT REID: No order was passed preventing him from leaving his house.

Mr. P. BANERJI: Is it not a fact that on the 17th February, in connection with a reply to a starred question given to me, the Hon'ble Member said that Kumar Chandra Jana was no longer under a ban, although it is a fact that he was arrested and was under a ban even at the time when the question was answered?

The Hon'ble Sir ROBERT REID: I gave that answer, Sir, on information which I am quite satisfied was correct.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to make an independent enquiry into the matter to ascetrain whether the answers given were a violation of truth?

The Hon'ble Sir ROBERT REID: I have no intention of doing anything of the sort.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Hindu Satkar Samity and unclaimed dead bodies of Hindus.

21. Rai Bahadur JOGESH CHANDRA SEN: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that in answer to the request of the Hindu Satkar Samity, the Police Commissioner of Calcutta has stated that he is ordering all unclaimed dead bodies of Hindus except those required for teaching purposes to be made over to the Samity for disposal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether it is under the instructions from the Government that the Police Commissioner is keeping back bodies for teaching purposes;

(*ii*) whether the dead body of any Christian or Mussalman though unclaimed is ever used for teaching or dissection purposes; and

(*iii*) whether it is a fact that only unclaimed Hindu dead bodies are so used?

(*c*) Is the Hon'ble Minister aware—

(*i*) that it is repugnant to the Hindu ideas and contrary to their religion and Shastric injunctions that Hindu dead bodies should be exposed for teaching purpose or dissected; and

(*ii*) that an institution, Hindu Satkar Samity, has been organised for disposing of all unclaimed Hindu dead bodies in Calcutta?

(*d*) Will the Hon'ble Minister be pleased to state whether there is any difficulty in the way of the Hon'ble Minister directing the police and all hospitals in Calcutta and suburbs to make over unclaimed Hindu dead bodies to the said institution?

(*e*) When will the Hon'ble Minister be in a position to declare the course he intends to adopt as regards the disposal of unclaimed Hindu dead bodies.

(*f*) Is it a fact that the hospitals in Calcutta phone up the Christian and Muhammadan organisations for the disposal of unclaimed dead bodies?

(*g*) Is there any difficulty in the way of the same procedure being followed in the case of unclaimed Hindu dead bodies?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes. The Commissioner of Police has since modified his order which now directs that all unclaimed dead bodies of Hindus in the Calcutta Police Morgue are to be made over to the Samity.

(*b*) (*i*) and (*ii*) No.

(*iii*) Yes.

(*c*) (*i*) It is a matter of opinion.

(*ii*) Yes.

(*d*), (*e*) and (*g*) If it is not possible to retain a certain number of unclaimed bodies, instruction in Anatomy, Pathology and Operative Surgery will come to a standstill. It is proposed to convene shortly a conference of the representatives of all burial and cremation societies in order to devise a solution of this very serious problem.

(*f*) Intimation is generally sent.

Rai Bahadur SATYA KINKAR SAHANA: Is the Hon'ble Minister aware that it is not simply a matter of opinion, but that it is a *Shastric* injunction that for the benefit of the soul of the departed his body should be cremated?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am not versed in *Shastric* injunction, Sir.

Babu SATISH CHANDRA RAY CHOWDHURY: In schools and hospitals where Anatomy is taught, is it a fact that the Hindus only receive training or is not that Christians and Muhammadans as well are taught there?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The members of all the three communities are there.

Babu SATISH CHANDRA RAY CHOWDHURY: Why is it then that the Hindus only should contribute to the teaching of dissection?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think my friend should encourage his community in serving the cause of humanity.

Rai Bahadur SATYA KINKAR SAHANA: Is the Hon'ble Minister aware that in Europe where dead bodies are very scarce how teaching in Anatomy and Surgery is conducted?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Minister kindly consider the question of having proportionate percentage of dead bodies in this matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is exactly the object of the Conference I propose to convene.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1936-37.

DEMANDS FOR GRANTS.

XII, 15 and 15—Irrigation.

Motions for reductions.

Maulvi SYED MAJID BAKSH: Yesterday I was making a request to the Hon'ble Member that the problem of resuscitating these rivers should be thoroughly and seriously gone into as the health, wealth and life of the people of these two districts, viz., Nadia and Jessore, depend very largely on the resuscitation of these rivers. The problem of irrigation of these rivers, and the way in which suitable funds may be found to go into this question and execute the work, should be solved. I also suggested that as the Government was not in a position to contribute at present towards the fund, some effort should be made to find funds elsewhere. As it is patent and is never denied that the construction of the embankments by the Eastern Bengal Railway has much to do with the matter by way of obstructing free flow of water to the channels, I think the Hon'ble Member should constitute a committee to go into the question, and in constituting that committee since Government alone cannot take a decisive step in the matter, the Eastern Bengal Railway should also be invited to serve on it and to go into

the question. I do not know whether the Eastern Bengal Railway will agree to my request or to the request of the Hon'ble Member, but he should make an honest attempt towards the formation of a committee, I did what I could; I went to these authorities. I have tried to show it by means of data and have been supported in this respect by the highest Irrigation authority of the Government. I think these efforts should not go in vain, and some capital should be made out of it. I may quote the concluding sentences of Mr. Curry's note. He said:—

"If, however, the Bengal Government approach the Railway Board with a concrete scheme for improving the Mathabhanga, Jalangi and Bhagirathi systems, which will have the effect of largely reducing the discharge in the Ganges river, the Board might offer a contribution towards the scheme."

He is of opinion that if any such scheme is gone into, it would be possible to secure the help of the Eastern Bengal Railway, which are a reasonable body, and it is in their own interest that they should contribute towards the carrying out of the scheme. Sir, as I have already pointed out, the railway earn a large sum of money from these two districts and if it can be brought home to them and they are convinced that benefit will accrue to them, I do not think they will refuse to assist us in the carrying out of the scheme. I, therefore, suggest to the Hon'ble Member that he should move in this matter. Last year I suggested the formation of a committee, but the then Hon'ble Member was not in a position to take a decisive step because time was then very short. A year has since elapsed and nothing decisive has been done. The Hon'ble Member in charge of Irrigation, who is now on leave, told me that some efforts were being made towards solving the problem: The railway authorities had been written to, but no reply had yet been received. I had been to the department and consulted the officers there. They also gave me some information to the effect that steps had been taken and some move had been made in this direction, and the railway authorities had been written to and so on. It was also said that they were trying to work out a concrete proposal in regard to this matter. Now, Sir, I would like to know from the Hon'ble Member how far this proposal has proceeded—whether he has received a reply from the railway authorities or whether the railway authorities have been written to to expedite the matter. The matter is very urgent. As I told you last year, on a computation of the average death rate spread over a number of years it has been found, and it has been admitted also in answer to my questions, that on an average in these areas about two to three thousand men die of malaria every year. If that be so, to wait for another year means the death of another two to three thousand men. We have waited long enough; since the railway line was constructed, the flow of the rivers has been interfered with,

the areas have become unhealthy, with the result that we are losing population in these areas to a very great extent. In the year 1875 or in 1880 the population of Jessore was 21 lakhs. Last year's census shows that it has dwindled to 16½ lakhs: it means that in the course of the last 30 to 35 years the population has been reduced by 4½ lakhs, and it is of course a matter of pure arithmetical calculation to find out in how many years these areas will be totally depopulated if this rate of reduction goes on!

Sir, it is high time that something should be done to improve the situation and Government should move in the matter. I have given them direction in this matter as far as I could. I have set the ball rolling. I have chalked out a way. If they do not shake off the lethargy and if they go on with their "wait and see" policy, if they are disposed to idly gazing upon the situation, time will come when they will have to thank themselves for the calamity that will occur to these districts. Every year the revenue of the districts are dwindling and it is bound to be so as a large area has become unproductive, depopulated and turned into jungle, devoid of all human habitation by the ravages of malaria. The producers' wealth is dwindling, and it is in the interest of the country and of good government that some move should be made in the matter and they should set their heart to it. It is said, Sir, that as a move in the right direction the Bengal Development Bill has been passed; but the Bengal Development Act will not develop these areas. If any material improvement is to be effected, Government should adopt the scheme which I have suggested and the Irrigation Engineers and the Development Commissioner should put their heads together to take a decisive step to remove the silt from the mouth of the Mathabhanga and revive the dead and dying rivers, to bring flood and flow in the rivers and to make the land surrounding them fertile. For the passage of flood water we must have outlets in the railway line. Government must set their heart to it and invite everyone concerned and interested to contribute towards solving the problem. They should invite the railway authorities, they should invite the Government of India, the local bodies and non-officials, and persons who are interested in the matter, to assist in solving this all-important problem.

It is high time that something should be done in this direction, and I think the Hon'ble Member will hardly justify his position and the emoluments that he draws from the Government of Bengal if he does not move in the matter.

The Hon'ble Mr. Khwaja SHAHABUDDIN: Mr. Majid Baksh is to be congratulated on the persistence and the ability with which he continues to put forward his case. I am afraid, however, that in certain respects he is labouring under a misapprehension. In August last he asked a question in this Council on the same subject and, in

reply, he was told that Government were advised that the appointment of a committee would serve no useful purpose at present. He was also told that Government were taking steps to ascertain the views of the railway regarding his proposal in so far as it might affect the Hardinge Bridge. The views of the railway have been ascertained and Government have been informed that "while the railway would certainly not refuse to nominate a representative on any committee which Government might decide to appoint, the railway authorities would point out that unless a very large quantity of water was diverted from the Ganges above the Hardinge Bridge, it would not be appreciably effective having regard to the money which has to be spent in connection with the protection works of that bridge. Also the railway wish to point out that the diversion of a very greatly increased flow of water down the Mathabhanga would probably necessitate additional protection works on the main line between Ranaghat and Poradah and that the expenditure on such works might more than cover any savings that might be effected in connection with the protection of the Hardinge Bridge." That is the attitude of the railway authorities. It is, therefore, not correct to say that the railway is anxious to have a committee appointed.

Mr. Majid Baksh has said that his proposal has the complete approval of Mr. Curry, Chief Engineer of the Irrigation Department. Sir, he made the same claim on the last occasion and was challenged. Here, again, Mr. Majid Baksh is somewhat mistaken. Mr. Curry has given this matter considerable attention, and I propose to quote a few extracts from a note which he has very recently submitted to Government on this question. Mr. Curry says: "The key to the whole situation is the river Ganges. The Ganges is a deltaic river and it has for centuries behaved in the typical manner of all deltaic rivers. It has never been a stable river. Centuries ago it changed its course to a more easterly direction and deserted the Bhagirathi river. It is now flowing to the sea along an easterly course at a lower level than its former main distributaries, the Bhagirathi, the Bhairab, the Jalangi and the Mathabhanga. All these rivers are now only flood-spilt rivers, that is to say, they are in flow practically only when the river Ganges is in flood. The present tendency is for the Ganges, joined by the Brahmaputra, to flow more and more eastwards—thus increasing the common course, viz., the Meghna river. A fact which many critics have overlooked is that the regime levels of the river Ganges are too low to provide a perennial flow in the rivers of Central Bengal or even to provide a flow sufficient to flush the countryside generally. Sir William Willcocks, recognising this fact, advocated for the resuscitation of the dead and dying rivers in Central Bengal a barrage in the river Ganges." For financial reasons alone such a project is out of the question at the present time and probably for many years to come. "The only alternative," says Mr. Curry, "is to consider whether we can dredge or

deepen the existing effluents from the river Ganges and revive old channels and whether we can straighten their present tortuous courses so as to provide a workable hydraulic gradient in them. In this matter we have to proceed with caution. If we shorten the course of the rivers too much between the Ganges and the Bhagirathi, across the districts of Jessore and Nadia for example, we might divert such a flow down these rivers that untold damage might ensue not only in those two districts, but in the tracts served by the river Hooghly also. We have no contoured plan of these areas. We do not know with any accuracy the land levels. We cannot say what land will be flushed when the river Mathabhanga, for instance, is flowing at a certain level. We do not know what levels we want to have as the maximum flood-level in any river in Central Bengal. In the absence of contoured levels, we cannot say to what extent the discharge from the Ganges should be restricted. Without a contoured survey map and hydraulic surveys of the rivers concerned, we cannot say how much water we can safely put into these dying rivers, nor what would be the extra discharge from them, especially in flood and during spring tides, which would eventually enter the river Hooghly. With these questions unsolved, no properly-worked-out schemes can be put forward." Mr. Curry goes on to say that he has been doing his best to initiate and encourage measures for improving the rivers in Central Bengal. The department has recommended and supported the Ghuznavi, Bejoy and Hat-Boalia cuts leading off from the Mathabhanga river on the principle that the more one leads off water from a river, the more water enters that river at the head.

I hope that from the extracts which I have read the House will understand that the problem is not so easy as Mr. Majid Baksh would have us believe; and I think it will be obvious that a committee even if composed of experts would have no accurate materials on which to base any of their decisions. The collection of these materials is the first requisite. Provision has been made in the budget for contoured surveys and for gauge readings. The purpose of these surveys is to produce the data necessary to the drawing up of schemes and without such data the discussion of any schemes is useless. Actually this year investigation is proceeding to observe levels and discharges in the Mathabhanga river with a view to working out schemes for its improvement. The Chief Engineer hopes to be able, as a result of these investigations, to put forward some definite provision in the budget for 1937-38 for a scheme to dredge the entrance to that river and its head-reach and for straightening out certain loops in its course. Nothing more definite can now be said and the result of the investigation must be awaited. The problem is a difficult one. Last year it was explained at length to this House that it was extremely unlikely that diversion of water down the Mathabhanga could appreciably affect the discharge of

16 lakhs of cusecs that pass under the Hardinge Bridge. The utmost capacity of the Mathabhanga is negligible compared with the enormous discharge that passes under the Hardinge Bridge. The chances, therefore, that the railway could be induced to contribute to schemes for the improvement of the Mathabhanga are very slight; and as I have already said, the railway authorities have clearly pointed out that a very great improvement of the Mathabhanga might actually lead to greater expenditure on their part.

I hope, therefore, that Mr. Majid Baksh will realise that Government are by no means neglectful of the question of the dead and dying rivers in Central Bengal and that, in fact, they are doing everything possible at present to revive them. I therefore oppose the motion.

Maulvi ABUL QUASEM: I beg to move that the demand of Rs. 30,350 under the head "XIII—Irrigation, navigation, embankment and drainage works for which capital accounts are kept—A-1—Extension and improvements" be reduced by Rs. 100 (enforcement of the Waterways Act).

Sir, my intention is to find fault with Government most determinedly for not bringing into operation the Bengal Waterways Act——

The Hon'ble Mr. Khwaja SHAHABUDDIN: I should like to draw your attention to motions Nos. 171-74, 191, 197, 203 and 206. As all these motions deal with the same matter, they may be taken up together at this stage.

Mr. PRESIDENT: But all the motions may not be reached, and the best course, therefore, is to take them up as they appear on the order paper.

Maulvi ABUL QUASEM: The Bengal Waterways Act was passed by this Council in 1933, and we were told at that time by the Hon'ble Member in charge of the Bill that no available time would be lost in bringing into operation the salutary provisions of that Bill. Three years have elapsed since then. I listened very carefully to the speech which was made by the Hon'ble Member when making the demand for grant under Irrigation yesterday. I must frankly confess, however, that I was entirely unconvinced by the so-called reasons which he gave for not being able to bring the Waterways Act into operation. Once I bitterly complained on the floor of this House that Government took delight in passing legislations which they had no intention of bringing into operation. This is one such measure. There is no doubt that on the successful working of the provisions of the Bengal Waterways Act, many of the decadent areas of Bengal would have a fresh lease of life, but Government, it appears, are determined

to sleep over their duties in the matter. The reason trotted out, as usual; is that there are no funds available. I should like to put certain definite questions to the Hon'ble Member in charge of the Irrigation Department. I would like him to tell the House first what action has been taken so far to prepare the rules—and these rules will be numerous—required to bring the different provisions of the Act into operation; and secondly, what steps have been taken to bring into being the Bengal Waterways Board? I would also like the Hon'ble Member to tell us definitely and unambiguously when Government do propose to take measures to bring the different provisions of the Act into operation. Sir, we have waited so long. I belong to a particular area which is dying visibly of malaria and kala-azar. The last Census Report prepared by Mr. Porter who, I am glad to find, is now a valid Member of this Council, recorded a decrease of population in two thanas of the Satkhira subdivision, namely, Kalarwa and Satkhira, and the reason recorded in the report is the dying and decadent condition of certain water channels. When the Bill was rushed through this Council, we were given high hopes that the improvement that the measure would bring about, when it would be put into operation, would be to give a fresh lease of life to the decadent areas, and that the dead and dying rivers would be brought back to life and that malaria would be banished from those areas. When those hopes are going to be fulfilled, we do not know. We seem destined to have to wait indefinitely, and, perhaps, the boon will not come before we become extinct.

Closely following on the heels of the Bengal Waterways Act came the Bengal Development Act, and it has a similar object in view. I had the misfortune to oppose the passage of that Bill, and my ground was that Government did not seem to be very serious in bringing into operation the salutary provisions of measures which they were very anxious to pass into law as quickly as possible, but which they would only sleep over afterwards. In reply I was told by a spokesman of the Government that while the member from Khulna (i.e., myself)—whose district in his opinion would not be touched by the measure—was discoursing on the evils of the rule-making powers of the Government provided in the Bill, people would be dying in many areas and there would be no measures for their protection. That indicated that Government were bent upon enforcing the Act immediately and where is that enforcement? Sir, Government's record so far as the passing of Acts is concerned is enormous; but so far as the carrying into effect of these Acts designed to improve the rural areas is concerned, Government record is nil. I do not know why Government are so keen to pass legislations like these when they have no intention of bringing them into operation within a reasonable time. It would have been better for Government if they had not brought forward any of these measures in the present Council.

Lower down in the printed list of motions under this head I have definitely put down a motion for the improvement of certain water channels which require immediate attention. I have been doing this session after session ever since I became a member of this Council, but what I have been saying all these years has fallen on deaf ears. The reasons which the Hon'ble Member has given for not bringing the Acts into effect are entirely unconvincing. Government should say something more definite if they want the Council to believe in the goodness of their intentions as to why the Waterways Act is not being put into operation. It will not do to put forward the hackneyed excuse of want of funds. When the Meston Settlement will be unsettled nobody knows; when we are going to get the full share of the jute tax we do not know; when we are going to get our share of the income-tax we do not know either. In the face of all that, and in spite of the present financial difficulties, Government have passed a number of legislations. It would have been better for Government not to have had these Acts passed than to have kept them as dead letter. It is no use raising hopes which you cannot fulfil and which you have no intention of fulfilling. If you want that the decadent areas should be revived, you must be up and doing without any further loss of time and without any further loss of valuable human life. I would like the Hon'ble Member to tell us whether the rules are going to be framed shortly and also on what approximate date the Waterways Board is expected to be formed and when the preliminary steps in the direction of bringing some of the provisions of the Act into force are going to be taken. I hope the Hon'ble Member will give us a more reassuring answer than what he has done in the speech with which he introduced the budget.

Babu SATISH CHANDRA RAY CHOWDHURY: The other day we listened to the speech of the Hon'ble Member with a good deal of interest and not without some hope and expectation—hope and expectation which the Hon'ble Member being new to his office was likely to infuse in this all-important question of dead and dying rivers of Bengal. This Council, Sir, whatever might have been its failings in other respects have never been unmindful in the matter of suggesting active steps for the resuscitation of dead and dying rivers. But, Sir, the stereotyped replies which we have received have belied all our expectations. I shall confine my remarks, however, to the Waterways Act. The Hon'ble Member in his opening speech elaborately dealt with the question of the Development Act, particularly the reasons why the Development Act could not be brought into force. But coming to the question of the Waterways Act, the Hon'ble Member stated for our enlightenment that the financial position of the province has prevented action being taken. He has not, however, given us any

assurance that in the near future the matter will receive the consideration which it deserves. On the contrary, Sir, the Hon'ble Member has said that Government are watching the situation. Government have been watching the situation since the Irrigation Department came into existence, and Government will be watching the situation as Nero did when Rome was burning. Sir, it is not a matter to be trifled with. This problem, in short, is mixed up with the question of our very existence. The Development Act was passed with a view to restoring some of the decadent areas in Western and Northern Bengal. But so far as the Waterways Act is concerned the intention was to extend the provisions of the Act to the whole of Bengal, and the then Member in charge, Sir A. K. Ghuznavi, was good enough to tell us in his own inimitable way that he was a *Bangal* and that he cared more for East Bengal and with that object in view he had brought forward the Waterways Bill. We were allured to give our full-hearted support to the measure in the hope and belief that eventually our grievances would be redressed, and that a time would come when we would see smiling faces around us where at present people died of malaria and other diseases. In that connection, I refer particularly to the condition of the river Brahmaputra which passes through Mymensingh and which serves 366 square miles which is about one-twelvth of the whole area of Bengal. The Hon'ble Member was good enough to pay a visit to the locality, and the people were not slow to accord him a right royal reception. The problems of the river Brahmaputra and other rivers of Eastern Bengal are well known. If the Hon'ble Member is disposed to ignore them, I will refer him to a recent lecture by Dr. Radha Kamal Mukharji, University Readership Lecturer, in which he has very carefully gone into this question, and it will help the Hon'ble Member if he cares to read the last lines of his lecture where he says: "Yet, as everywhere else, in Bengal the obstruction of drainage, the disorganisation of the system of free river spill and discharge, the premature reclamation of low lands and storage basins of rivers—all are leading here and there to agricultural depression, notably in parts of Mymensingh, Dacca and Faridpur. A systematic policy of road and railway construction in the eastern districts of Bengal would be a repetition of the mistakes which have contributed in no small measure to the economic decline of Central and Western Bengal. More attention should be diverted to the policy of the improvement of waterways and inland navigation, the making of new waterways by means of cuts where none exists at present, the easing of the bad bends of rivers and clearance of aquatic weeds in the waterways. The German policy of railways and waterways rather than of railways *versus* waterways is nowhere so indispensable as in Eastern Bengal where the waterborne traffic is still one of the largest in the world." We expected that the Hon'ble Member who hails from that very locality would bestow

a little more care and attention to this subject, but we are sadly disappointed. Not only that; at times, Government treat us with contempt, with an amount of levity which it is hard to understand. I put several questions last year as to what steps have been taken and how the assurance of the Hon'ble Member who sponsored the Waterways Bill are being given effect to. I refer to the questions which were answered on the 20th December last. The position is this: In the district of Mymensingh, the Brahmaputra is a serious problem, because all the other channels in the district owe their origin to the Brahmaputra. That question was answered in the affirmative. It is the Brahmaputra river which practically serves the whole district. The Hon'ble Member said that in Mymensingh they have stationed a staff who are carrying out investigation and considering the ways and means of resuscitating the river Brahmaputra and other channels. I put the question—What was being done in this connection; whether the staff was still working? The answer was that the staff was still working. I understand that the staff has by now evaporated. I enquired what report had been submitted in connection with these investigations and if any report had been submitted at all, whether the Hon'ble Member would lay it on the table. The answer was that the report was submitted, but he was not prepared to lay it on the table. Then there is another small matter; even in that we have not been dealt with with sympathy which we really deserve. That is in connection with a stream which runs from the Garo Hills—the river Jinjhira—the water from which is discharged in the river Brahmaputra which keeps the river for some part of the year, particularly in the dry season. The Chief Engineer, Rai Bahadur S. N. Banarji, suggested the opening of the blocked stream by certain impediments at a cost of some Rs. 25,000. He reported to Government that this could be removed at a very small cost, and the whole thing could be restored and made to run for ordinary purposes I asked the Government whether any action was taken on that report, and the Government reply was "No". I then asked whether Government would be pleased to lay the report on the table, and the answer was that it could not be laid on the table as it would not serve any useful purpose. A suggestion was made, but no steps could be taken. It is not a big question of development; it is a small matter—a report, which by their own officials could not be given effect to—to give relief where relief was very much needed. It is your policy to throw dust into the eyes of the people by saying that a time will come when things will improve, when conditions will change for the better, and money will be flowing like water, when the original thing will be restored. I put this question now seriously to Government whether the Irrigation Department, which spends lakhs and lakhs of rupees and which has provided for Rs. 58,000 for the dead and dying dredgers, dredgers which refuse to be sold and dredgers which refuse to be active, cannot

spend Rs. four or five thousand to open up a channel which can turn the dead and devastated country into a smiling one? They cannot do that, because the reason is they have no sympathy for the poor agriculturists. You do not care how the peasantry in the countryside live. So long as the Irrigation Department does not improve the condition of the rivers and so long as the Irrigation Department is only concerned with the normal activities of the department, their condition will not improve. I put this question in all seriousness to you who belong to this country, and whose forefathers also belonged to this country, when the Irrigation Department was not in existence, were not lakhs and lakhs of rupees spent during the time of the ancient Moghuls and other nations to keep these rivers flowing? They never complained of no funds and no money. I say it is your primary duty to see that nature is bounteous in Bengal to keep the channels open, but you are so parsimonious, and so niggardly that you do not open your purse to keep the channels open! That is our condition when that is the policy of the department. If this department continues in its present policy we in Bengal will undoubtedly suffer. These rivers will be no more smiling because by your unintelligible interference with the rivers, you have turned Lower Bengal and Central Bengal into a dead tract and Eastern Bengal, which is the granary of the whole of Bengal, is going to be so in no time. That is your policy. That is the result of your policy. If you are serious about it in this Council, and it is one of the most important things, we ought to do our best—irrespective of the group to which we belong—to bring back the prosperity to the country and to improve the fertility of the soil and to make it free from diseases. These are the best assets of a nation and the best assets of a government. You should not put forward any excuse—a trivial excuse of want of funds—if you can with a little provision of funds make the dead and dying river flowing.

Babu KHETTER MOHAN RAY: Sir, I rise to support the motion moved by my friend Maulvi Abul Quasem. The question of the dead and dying rivers has been before the country for more than a quarter of a century, if not more. When pressure was brought to bear upon Government from time to time to take up this question, the Government in order to get expert opinion appointed a sub-committee which afterwards made a recommendation. On the recommendation of that committee, a Bill was introduced in 1933 for the maintenance of the waterways in Bengal. It was given out at that time with a flourish of trumpets that that Bill was intended to preserve and improve and maintain the existing rivers and to resuscitate the dead and dying rivers in Bengal. I need not dilate upon the necessity of maintaining these rivers, as the economic life of Bengal is indissolubly connected with the maintenance of these rivers because these rivers irrigate

our field, fertilise our soil and thereby the wealth of the nation—the wealth of the Bengali people is increased. The Act was passed in 1934 and was published in the *Calcutta Gazette* on the 24th June of that year. Almost two years have elapsed since then, but the Government seem to be inactive so far as the enforcement of that Act is concerned. We find from the speech of the Hon'ble Member that Government were unable to take any steps for want of funds. As there was no funds available for the purpose, Government could not enforce that Act up to this time. Excuse of the want of funds is a lame excuse, and if the Government were really earnest to enforce the Act, it will not have been impossible for them to find Rs. 2½ lakhs, the statutory contribution required for the formation of a Board. While a Government that are preparing an estimate for expenditure of Rs. 12 crores, every year is it not possible for that Government to find this small sum of Rs. 2½ lakhs for the imperative necessity of maintaining the waterways of Bengal? Government have given out hopes that the Act would be worked out, and steps would be taken for the maintenance of the existing rivers and also for the resuscitation of the dead and dying rivers. Instead of doing this, Government seem to be inactive and the indifference of Government to this supreme necessity of maintaining the rivers is most deplorable. I do not see any reason why Government should remain inactive and take no steps for the maintenance of the rivers for the good of the Bengali nation. The whole river system of Bengal, I should say, gives a life-giving sustenance to the people of this province. We cannot allow our rivers to be dead and dying, as the whole nation will die if we allow that. The rivers of West Bengal and Central Bengal are almost dead. We know the miserable condition of Western Bengal and Central Bengal rivers, but the rivers of Eastern Bengal are still functioning, and unless steps are taken to preserve them, the fate of those rivers will be as that of the rivers in West Bengal. I hope Government will take immediate steps to provide a certain amount of money for the working of this Act which was passed with the evident intention of improving the waterways of Bengal.

Maulvi ABUL KASEM: Sir, I also rise to join my friends who have spoken on this motion. The mover of the motion or at least who gave notice of it, my friend and my namesake, is a young man and new to the Council. Therefore, he is under a great delusion. He has said that Government passed this law for the benefit of the people, but Government are not inclined to work it. The fact remains —he does not know it, but my friend Mr. Ray Chowdhury ought to know it—that Government pass Acts when those Acts are intended for the uplift of the rural population or for the benefit of the people. Well, they never did intend it. I have been long enough in this House,

but since 1920 it has been my sad experience that whenever loud complaints are made about any evil from which our countrymen suffer, particularly in the rural area, Government think out a remedy and that remedy is a piece of legislation! But after this legislation is passed, no action is taken by Government. That is not a means to an end, but an end to the means. You have heard the grievances of Eastern Bengal as well as of Central Bengal, but I should like to add to it the miseries of Western Bengal. The whole tract of land which just before the advent of the British into this country was the richest, healthiest and wealthiest has now been reduced to the poorest and the most unhealthy part of the province. We have cried hoarse over it, but we have no hopes either at present or in future. However, it has been said that the Waterways Act has been passed for the benefit of the people, and my friends enthusiastically supported it, because they believed that something good would be done. Well, they were, as I said, under a delusion, which is gone now. A reference has been made to the Land Development Bill recently passed in this House, and the complaint is that although that Bill has been passed, why has no action been taken on it? They forget that the Bill was passed not for the benefit of the people, but simply to realise the tax by force of law—whether you want the water of the Damodar Canal or not—and to make the Eden Canal pay. Our miseries are untold. Even this year after the flood we were not supplied with water, because the argument of the Executive Engineers was that there was not sufficient water in the Damodar. The Damodar is a hill-fed river and naturally one day it is flowing with water and the next day there is no drinking water in it. Therefore, they say: "For our good intentions you are bound to pay revenue, because Government have spent so much money over this canal and the Government engineers with their staff, practically the whole department, are being maintained and money must be found for them. The provincial revenue will not pay; so you have got to pay for it." We have the luxury of a great office with big officers and at the head of it a Member of the Cabinet who looks after his subordinates, but we find that beyond glorifying certain things we do not get anything out of it. What about the dead and dying rivers and irrigation tanks? We were distinctly told in this House by Sir A. K. Ghuznavi that the irrigation tanks would be re-excavated and made fit for irrigation purposes. But when the Bill was passed into law, it was put in the waste paper basket. These Bills are intended for two purposes—(1) to dupe the people of Bengal, and (2) to enable the Hon'ble Member who sponsored the Bill to sit in his house comfortably and claim that he did it. What is the good of having a Development Bill passed if it is not meant for supplying water and improving the drainage of the country? I am sure there is none in the Writers' Buildings to see that these things are put into operation and are so worked that they may be beneficial to the people. The Bill was passed and so many months have since elapsed,

but no action has been taken on it. Whenever there is a cry for a particular thing, a Special Officer is appointed for whom, perhaps, there is no accommodation either in the Secretariat or in the general line of his service; and before his work is done, he is either transferred to be a Divisional Commissioner or shifted somewhere else and the whole process dies. Take, for instance, the Fisheries Bill, the Waterways Bill, and so on. All these were only intended to provide a man till a suitable place was found for him. Whatever it is, I regret very much that my friends Maulvi Abul Quasem and Mr. Ray Chowdhury have taken Government measures so seriously. If there is any intention on the part of any Member of the Government, then I think many good things could have been done, and the most important thing at present is to work the Land Development Act and the Waterways Act.

Maulvi SYED MAJID BAKSH: Sir, I think most of the speeches that have been made ought to have been made on my motion, and this present motion for the purpose of enforcing the Waterways Act is rather out of place. Perhaps it is known to my friends that the Waterways Act is a taxing Act. It imposes taxes on the riverborne traffic, and those country boats which at present pay nothing by way of tax would have to pay some amount of tax to the Waterways Board. I welcome it because that would give sufficient fund for irrigation work. But along with the formation of the Waterways Board those dead and lying dredgers will be put like a millstone round our necks. Government will only pay Rs. 2,50,000 to run those dredgers. I think that if, before these dredgers are disposed of, we have to work this Act, we will have to collect tax from the country boats and pay for these dredgers. There is another aspect of the question to which I should like to refer in this connection, namely, that the simple reason for which this Waterways Board has not been formed is that along with the country boats the steamship companies will have to pay a large amount of tax—Rs. 14 to Rs. 15 lakhs. Perhaps the objection of these steamship companies to pay this tax has stood in the way of the Waterways Board being formed. I hope the Hon'ble Member will clear the point as to what steps he would take and what policy he would adopt as regards the formation of the Waterways Board and the enforcement of the Waterways Act.

Mr. H. S. E. STEVENS: Sir, I propose to confine my remarks to the question of the Waterways Act which presumably is the intention of the motion. Yesterday in his speech the Hon'ble Member for Irrigation explained very clearly the reasons that stand in the way of establishing the Waterways Board. He seems to have been misunderstood if I may judge from the number of misquotations that

have been made by the various movers of this motion. The Hon'ble Member said that the difficulties were financial. The Hon'ble Member did not say that the difficulty was that the Government of Bengal lacked the necessary funds. Members will remember that, as Mr. Majid Baksh has pointed out, the Waterways Act provides for a very fair degree of taxation to enable the Waterways Board to carry out its operations. The contribution from the provincial revenues which was fixed at Rs. 2½ lakhs is only a very small portion of the expected revenue with which the Waterways Board would function. The difficulties, as I have said, are financial. The bulk of the funds would be obtained, it was hoped, from taxes, tolls and license fees which will affect all classes of riverborne traffic. When the possible yield of these taxes was worked out and the possible cost of the Board, that is to say, the cost to give the Board sufficient money with which it could do anything that would be useful, the normal yield was taken into account and not the yield which we might expect at the present moment in a period of acute economic depression. It has been said this afternoon that it was the financial condition of the province which the Hon'ble Member put forward as an excuse. The Hon'ble Member did nothing of the sort. What he said was that the economic condition of this province had not improved to such an extent that Government would be justified in setting up this new Board to function with an income which must be considerably less than that which was estimated for it in 1933 when this Waterways Act was first brought under discussion. The obstacles that stand in the way of the formation of the Trust are definitely financial and Government consider that in the present condition of the province it would not be reasonable to impose this additional taxation in the first place. In the second place, they have no reason to hope that the yield from that taxation would produce sufficient money to enable the Board, if they did set it up, to do what it was intended that the Board should do. It has also been said this afternoon, or rather it has been insinuated, that probably the main objection which Government have taken into account was the objection from the steamer companies that the bulk of the money would come from them. It is quite possible that the bulk of the money may come to Government through the steamer companies, but there is not the slightest doubt that that expenditure would be passed on by the steamer companies, if not wholly, at any rate to a very large extent, to the consumers of the steamer companies' facilities, that is to say, to the agriculturists in the long run. These are the reasons which the Hon'ble Member outlined yesterday in his speech, and there are valid and good reasons why Government, although they are carefully watching the situation, do not feel justified at the present moment in setting up this Waterways Board. Without the establishment of that Board the Waterways Act of course cannot come into operation.

The motion being put a division was taken with the following result:—

AYES.

Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Nurul Absar.
Fazlullah, Maulvi Mohammad.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Malik, Mr. R.
Maully, Maharaja Sris Chandra, of Kasimbazar.
Poddar, Mr. Ananda Mohan.
Quasem, Maulvi Abul.
Rahman, Khan Bahadur A. F. M. Abder.
Rahman, Maulvi Azizur.
Ray, Baba Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Sdhana, Rai Bahadur Satya Kishor.
Samad, Maulvi Abdus.
Shah, Maulvi Abdul Hamid.
Singha, Babu Kshetra Nath.
Solaiman, Maulvi Mohammad.
Suhrawardy, Mr. H. S.
Tarafder, Maulvi Rajib Uddin.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Bal, Rai Sahib Lalit Kumar.
Barma, Babu Premhari.
Basu, Babu Jatindra Nath.
Bose, Mr. S.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Coghlan, Mr. D. J.
Das, Babu Surupprosad.
Faroqui, the Hon'ble Nawab Sir Mahiuddin, of Ratanpur.
Ferguson, Mr. R. N.
Gilchrist, Mr. R. N.
Graham, Mr. H.
Griffiths, Mr. Charles.
Guha, Mr. P. N.
Haldar, Mr. S. K.
Huqueythe Hon'ble Khan Bahadur M. Azizul.
Hogg, Mr. G. P.
Hooper, Mr. S. S.
Hussain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Jenkins, Dr. W. A.
Khan, Mr. Nuroor Rahman.
Kindersley, Mr. J. B.
Maguire, Mr. L. T.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Nag, Rev. B. A.
Porter, Mr. A. E.
Raheem, Mr. A.
Ray, Baba Nagendra Narayan.
Ray Chaudhury, Mr. K. C.
Reid, the Hon'ble Sir Robert.
Roxburgh, Mr. T. J. Y.
Ray, the Hon'ble Sir Bijoy Prasad Singh.
Ray, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Roy Chaudhuri, Rai Bahadur Hem Chandra.
Sen, Rai Bahadur Akshey Kumar.
Shahabuddin, the Hon'ble Mr. Khwaja.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Stevens, Mr. H. S. E.
Townend, Mr. H. P. V.
Woodhead, the Hon'ble Sir John.
Wordsworth, Mr. W. C.

The Ayes being 27 and the Noes 47, the motion was lost.

Maulvi SYED MAJID BAKSH: Sir, I beg to move that the demand of Rs. 30,350 under the head "XIII—Irrigation—A—Working expenses—Extension and improvements" be reduced by Rs. 100 (for not adopting effective methods to make the Bijoy cut successful and useful).

My reason for moving this motion is that after long years of trouble and after repeatedly asking the Government to take up these small cuts, the Ghuznavi cut was at last effected. This cut was found to be

very successful, and seeing the result of this cut last year, I caused a conference to be held in the room of the Hon'ble Minister for Public Health and there this cut was decided upon, and the cut was accordingly effected. The money for this cut was paid by the district board, and I do not know whether Government paid anything for this. But the difficulty is that although this cut was effected, it was not opened in time. We know, Sir, that the flood reaches its highest level in the third week of August. The cut was effected by the 1st of July, but it was kept closed for the reason, as alleged by the department, that a large amount of paddy would be destroyed if the cut were let open at the time. If that be the case, I think timely warnings ought to have been given that they were going to effect the Bijoy cut and that it was very likely that the flood would overspread all around the land and might damage the crops and the cultivators called upon now to sow paddy, or, at any rate, the peasants should have been warned that paddy should be reaped early so that advantage might be taken of the flood at its high tide. That was not at all done, and when the flood came and the matter was brought to the notice of Government, then came the answer that it would damage the paddy crops along the course of the Bhairab, so that the first effect of the flood was not availed of. The result was that when the Hon'ble Minister went to open the cut, there was hardly any water in it. There was the cut, but there was no flow of water in it. Having opened the cut and named it after himself, he came away without waiting for the water to enter it. The result was that so much money was spent, but no benefit received. Then, Sir, fortunately, another flood came, not of so high a level as was experienced in the third week of August, but in the middle of September, a month after, another flood came in, and I do not know whether any water entered the cut or not. But it was found that within three miles there was a big and high embankment across the entire course of the river, from bank to bank, with a country-road over it. When the Hon'ble Minister went to open the cut, I pointed out to the authorities of the district board, as well as to the engineers of the Irrigation Department, that there was a high embankment across the river. I was not heeded; perhaps they thought that they were experts of the Irrigation Department and they therefore knew everything. They said: "We have found no such embankments there." Evidently, they thought that a layman did not know anything about these things. That was the answer they gave, and although the flood came no water could enter the cut, being obstructed by a high embankment. I put a question in this House, and I also wrote to the Irrigation Department asking whether it was removed, and it is, I think, high time that this should be removed. If it has not yet been removed this year, then the entire money will be wasted. I am sorry to say that these men of the Irrigation Department only do routine work; they have not the brains with which to work. They do not

understand the irrigation problems at all. If you point out to them that there is an obstruction, they say that you do not know, whereas they being irrigation experts, know everything. The result is that no success was obtained out of this operation.

Then, again, I found that the gradient also was very faulty, because when water entered into it, there was no flow and it was only stationary. I would, therefore, request the Hon'ble Member to tell me whether this defect has been corrected, whether the gradient has now been made in such a way as to allow of water to flow into the cut. Simply making a canal without any flow of water is absolutely useless. I would, therefore, like to know from the Hon'ble Member whether these two impediments have been removed. On hearing his reply, I shall decide what to do.

With these few words, Sir, I beg to move my motion.

Mr. H. S. E. STEVENS: This work to which the hon'ble mover has referred is entirely a district board work. It was carried out by the district boards of Nadia and Jessore entirely at their own expense. All that Government did was to advise regarding the cut itself and to exercise some supervision over that particular part of the work. The whole scheme was devised and put into execution by the district boards, and Government had no control over it. As regards the actual date of its opening, it was opened by the Hon'ble Minister on the 8th September last, and that date was fixed by the district boards of Jessore and Nadia, and Government had no control thereon. As regards the obstructions to which Mr. Majid Baksh has referred, I have no information as to what has been done by the district boards, but certainly the department has had nothing to do in the matter.

The motion was put and lost.

(The Council adjourned for fifteen minutes.)

(After Adjournment.)

The Hon'ble Sir JOHN WOODHEAD: I understand that the Hon'ble Member complains that the rate of interest at 12½ per cent., is very high and wishes it to be reduced. I believe that the levy of interest at 12½ per cent. is in accordance with the provisions of the Act, but I will pass his observations on to the proper department, the Revenue Department, and ask them to consider the matter.

The motion was put and lost.

The original demand was then put and agreed to.

20—Interest on other obligations.

The Hon'ble Sir JOHN WOODHEAD: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 1,000 be granted for expenditure under the head "20—Interest ou other obligations."

Haji BADI AHMED CHOWDHURY: Sir, I beg to move that the demand of Rs. 1,000 under the head "20—Interest on other obligations" be reduced by Rs. 100.

(The member spoke in Bengali, the following being an English translation of his speech):—

I have brought this motion for discussing the rates of interests payable to Government on account of certificates issued by them.

In view of the present economic crisis in the country, banks, *mahajans*, and all other concerns have substantially reduced the rates of interests which they used previously to charge on their dues. But from what I know about Chittagong I can say that it is the Government alone who have not yet cut down their rates. Government charge 12 per cent. and more on the certificates issued by them. And after the certificates have been issued Government realise interest upon interests. Owing to the extremely short time at my disposal I am unable to discuss the question of rates of interest in all its bearings.

However, I hope that Government would consider the matter and reduce the rates charged by them.

22—General administration.

The Hon'ble Sir ROBERT REID: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 1,10,51,000 be granted for expenditure under the head "22—General administration."

Sir, it is not usually the custom to make any remarks in connection with the moving of this particular grant, because it covers such a large range of subjects, but I thought to-day that I might take the opportunity of using the moving of this grant to give the House some brief account of the scheme for the training of detenus which was adumbrated by His Excellency the Governor on the last occasion when he addressed this House. Details of the scheme were published soon after His Excellency's speech was issued, and I need not repeat them. The general idea was to give carefully selected detenus a course of training which would fit them, it was hoped, to stand on their own feet in life afterwards and at the same time, as His Excellency indicated, it

was hoped that such a scheme started for the benefit of a limited number of persons might eventually enure to the benefit of the province as a whole. As the Hon'ble the Finance Member informed the House in the course of his Budget speech, four units have been opened for industrial training and one for agricultural training. The industries selected for industrial training are pottery, cutlery, umbrella-making and brass and bell-metal work. In each of these industries, 15 young men are receiving instruction. At the agricultural centre at present 25 men are at work. The area of that agricultural centre is about 450 *bighas*, and it was thought that for a farm of this size 25 workers were sufficient to work it on a commercial basis, but we have had to modify our ideas for the following reasons. A 5-inch irrigation tube-well has been installed which has been very successful, so much so that it is intended to erect another tube-well of the same kind, and between the two of them they will irrigate the whole of the area and make the agricultural operations there independent of rainfall. That being the case, it ought to be comparatively easy to follow a regular rotation of crops independent of the monsoon. This has enabled us to decide to increase the number of persons who will be under training at that place, and we hope to have there eventually 41 men under training instead of the original 25. At the agricultural centre there is stationed a marketing officer who has had experience in the methods and technique of marketing. He enquires as to where the produce of the farm can best be sold, and he also instructs the persons under training in the various aspects of marketing which is, of course, a very important matter with which every agriculturist has to acquaint himself. Besides the actual agricultural operations which the detenus are carrying out themselves, they are also given a certain amount of theoretical training at the agricultural centre and they get lectures on survey, soil analysis, general farm management, irrigation, drainage and diseases of plants and the rest of it, and at the industrial centres they are given lectures on the chemistry of metals, on ceramics and so on. I may mention that the thing is really only at its inception even now. The first training centre was opened on the 8th January and the House can well imagine that it takes some time for an entirely new enterprise like this to get going and to settle down to routine. The theoretical instruction I mentioned, for instance, has not been in fact started yet, but it is intended to start it very soon.

In connection with the industrial centres, a depot is being established for providing raw materials, the idea being to purchase raw material at favourable rates and keep it in bulk and hand it out when necessary, and it is possible that this depot may be developed into something bigger which possibly those young men who are not detenus and are not concerned with the revolutionary movement at all may take advantage of in connection with the industrial training that is going on under the Industries Department; that is to say, the training which is

given by that department under the unemployment relief scheme. At the agricultural centre I may mention that it is intended, when opportunity arises, to start classes in the art of dairying. In connection with both the one important point on which, I think, His Excellency laid considerable stress the other day, is that the principles of co-operation are being taught and it is very much hoped that when these men have finished their training, they will get together and devote themselves afterwards to work on co-operative lines.

The Hon'ble Finance Member explained that these centres are being run virtually in the way of boarding houses, with minimum of restriction and as much freedom as is consistent with the safety of the State. Consequently, the hon'ble members will realise that the question of careful selection of detenus to be placed under instruction is a very important point. Though we have a tremendous lot of applications for training in these centres, it has not been possible to accept them all. Our experience has included so far some unfortunate incidents. For instance, from one of our camps a detenu absconded very early, and it was not until some time afterwards that he was run down, not in Bengal, but in another province. That just shows that these detenus are not always the innocent lads that some people would have us believe. A certain number of detenus out of the original lot that was selected for training had to be sent back as they would not conform to the rules of the centre, while some of them were found to be resuming their old activities on the wrong lines; others again said simply that they did not like this sort of thing and would like to go back to their previous form of detention and do nothing. It is no use keeping this sort of people under training, but we have kept the number up to our capacity and filled all our present vacancies. However, I think, on the whole, the experiment is distinctly hopeful, and I may add that arrangements have been made already to open six more industrial centres which means another 90 men under instruction, and I hope fairly soon we shall be able to open another agricultural centre which would have under instruction possibly as many as 45 men.

As I said, I think on the whole the results are far from discouraging and besides the keenness which these young men have on the whole shown we owe a great deal to two officers whom I should like to name, one is Mr. S. N. Roy, the Additional Secretary who has worked the scheme out from the beginning and taken an immense amount of trouble and showed an immense amount of skill and ability in working it out, and also Mr. S. C. Mitter, the Deputy Director of Industries, who has thrown himself into it with great enthusiasm and has taken a tremendous amount of trouble to make it a success. That is all I have to say on this subject; except that I should like once more to quote the words which His Excellency used in this connection when he addressed the House last April on the subject. What he said was: "Finally, you can help the detenus by making them realise that the

success of the scheme will depend upon their conduct and their willingness to subject themselves to discipline and their determination to learn what they are taught; and that they will forfeit any claim to your consideration if having been given the opportunity they misuse it." We are hopeful that they will not misuse it or that there are not many of them who will misuse it.

Mr. SHANTI SHEKHARESWAR RAY: On a point of order. Sir. Can we discuss the detenus under the head of "General administration" in view of the speech made by the Hon'ble Member?

Mr. PRESIDENT: What do you mean?

Mr. SHANTI SHEKHARESWAR RAY: So far as I understand, expenditure for the detenus does not come under the head "General administration." I find it very difficult to understand how it is being brought under this head, but in view of the Hon'ble Member's statement in connection with the detenus and the detenu-training scheme, may I ask whether I would be in order to discuss the merits or demerits of the scheme.

Mr. PRESIDENT: Is any portion of the money that you are asking for under this head anything to do with the detenus?

The Hon'ble Sir ROBERT REID: Yes, a portion of the money under "22—General administration" is going to be spent on the higher officers of Government, and I also see that a cut motion No. 362 has been admitted under this head.

Mr. PRESIDENT: Anyhow, a portion of the money that you are asking for under this head is going to be spent in connection with detenus.

The Hon'ble Sir ROBERT REID: Yes:

Mr. PRESIDENT: The detenus, on the other hand, come under the portfolio of "General administration."

Mr. P. BANERJI: May I have your permission to move the motion which stands in the name of Babu Jitendralal Bannerjee?

Mr. PRESIDENT: Yes, you may, as your own motion.

Mr. P. BANERJI: Sir, I beg to move that the demand of Rs. 2,600 under the head "22C—Staff and household of the Governor—Contingencies" be refused.

There is no such concern as the Indian News Agency. It is simply a *benamdar* of the Associated Press, and I fail to understand why the Associated Press should be given this subsidy of Rs. 2,600 which is one

among the many other competing news agencies. If any subsidy is to be given, I consider that it should be given to all and sundry news agencies, but why should a commercial concern be subsidised on the lines of other concerns? What is the nature of the service may I enquire which this agency is performing? It may be said that it supplies the head of the Government with telegrams, all the Indian news, but these telegrams also appear in the other newspapers. Why should Government spend Rs. 2,600 for telegrams which they may gather from other newspapers, for instance, the *Statesman*. If it is contended that this agency gives him correct information, I will just ask the Hon'ble Member to tell us what information that is given by the other agencies is wrong. The Hon'ble Member just said that there are 25 detenus in the agricultural camp, but I may tell him there are only 23 detenus to-day.

The Hon'ble Sir ROBERT REID: On a point of order, Sir. What has this got to do with the Indian News Agency telegrams on which he is talking?

Mr. PRESIDENT: Are you speaking on the Hon'ble Member's motion or on your own motion? For the present, you can speak only on your motion.

Mr. P. BANERJI: I am speaking on the News Agency telegrams. What I maintain is that the sort of information that is given by this agency or by the Government is not always correct and therefore——

Mr. PRESIDENT: You are again digressing, in spite of the ruling I have just given.

Mr. P. BANERJI: All right, Sir. But why should Government spend for telegrams from this agency alone the money that is asked for. May I enquire of the Hon'ble Member, is it not intended to influence the nature of the news which this agency provides and is it not for the political service which they render that they get the money? With these words I move my motion.

The Hon'ble Sir ROBERT REID: This is an old story. We had it moved many a time before, and I do not think Mr. Banerji has said anything new to-day. He seems to be very annoyed that the Indian News Agency which he has called as a *benamdar* of the Associated Press is being given this money. It is perfectly true that the Associated Press and the Eastern News Agency and the Indian News Agency are all under the same management. So that does not worry me very much. Then Mr. Banerji seems to think that Government's sole stock of information to answer Council questions or to gain advice was the

Indian News Agency telegrams. I can only say that he is quite wrong. I do not wait to get a telegram from the Indian News Agency to tell me how many detenus have been accommodated in a particular camp, and I do not wait for telegrams of the Indian News Agency to tell me the number of troops stationed in Midnapore. These Indian News Agency telegrams have for some years been sent to Government and Members of Government and to His Excellency in order to provide early the first news about current events. I think Mr. Banerji forgot, as he proceeded with his argument, that this cut motion is for reducing the demand of Rs. 2,600 which is the cost of the telegrams which are provided for His Excellency himself. I maintain that it is very necessary, appropriate and desirable that His Excellency should be in possession by this means of current news at the earliest possible date, and that, Sir, is the justification of this grant.

The motion was put and lost.

Mr. P. BANERJI: I beg to move that the demand of Rs. 47,500 under the head "22C—Staff and household of the Governor—(*d*)—Band" be reduced by Rs. 40,000.

With your permission, Sir, I also move that the demand of Rs. 47,500 under the head "22C—Staff and household of the Governor—(*d*)—Band" be reduced by Rs. 100 (this expenditure is unnecessary at this time of financial crisis).

Sir, in these days of economic crisis when the Government has a deficit budget, this small expenditure should also be curtailed. These smaller amounts will, when accumulated, come to a big sum, and thereby help the Government in reducing the deficit. No serious attempt has yet been made by the Government to economise in this direction, and to make a cut in the Budget wherever possible. Year after year we have the opportunity of discussing the Budget for 12 days, but the Budget always remains where it was when it was framed, and the Hon'ble Members of Government often profess that nothing could be done for the benefit of the people on account of paucity of funds. So, I suggest that in order to find money these smaller items should be curtailed. If the framers of the Budget would consider this matter and bring it to the notice of even His Excellency the Governor, I think that these amenities can be done away with. I consider His Excellency the Governor will be glad to give his consent to such a proposal, but I do maintain that while framing the Budget the framers of the Budget have never considered these points, with the result that the other departments of Government have always suffered. I, therefore, say that many a little makes a mickle, and why should not the Hon'ble Member come forward and put a stop to these extravagances? If it is at all necessary, I consider that His Excellency should find his way to meet it from his own pocket. I believe that His Excellency

is more interested in the welfare of the agriculturists than in his band. I, therefore, say that this saving of Rs. 40,000, if effected, can very well be utilised in other directions. At the same time, I submit that the band is absolutely unnecessary. So, I suggest that the framers of the Budget should take this into their consideration and bring it to the notice of His Excellency the Governor. With these words I commend my motion to the acceptance of the House.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I think I might put forward an argument which is more convincing than any put forward by Mr. Banerji. If the object of a band is to listen to music, to listen to concert, and if it is the concert of the band that gratifies one, I think there can be no more gratifying music and more interesting music, and no band in the world could possibly produce a more gratifying concert, than the shouts of Ayes and Noes raised on behalf of the Government in this House.

The Hon'ble Sir ROBERT REID: Sir, this subject is so old that I feel some diffidence in replying at all. As a matter of fact, as has been pointed out in numerous previous debates, the history of the band in this province was that when Bengal was raised to the status of a presidency, it was decided that the Governor should be provided with all the privileges which the Governors of Madras and Bombay Presidencies enjoyed, the main features of which were the band and the body-guard. That is how the band came to be established in Bengal. Mr. Banerji made a great point in the direction of economy Well, it is perfectly true that the band costs Rs. 47,500. It cost a great deal more in previous years. In 1925 the question of the expenditure on band was very carefully gone into by Government, and the Government of the day then came to the conclusion that the irreducible minimum of the expenditure was Rs. 75,000. Times have changed and opinions have changed since on the subject of the irreducible minimum. As regards economy, we have the fact that the present Governor himself decided to reduce the number of the band to a very great extent, and it is now only a comparatively small body of 13. It is really a question of what is right and suitable by way of enhancing and upholding the dignity of the high office of the Governor of Bengal. It is not so much a matter of what the Governor personally thinks, as of what he conceives to be his duty in maintaining the appurtenances of his high office. I scarcely think that this is a subject which is interesting the House to-day. I suggest that the motion be withdrawn.

The motions were then put and lost.

Mr. P. BANERJI: I beg to move that the demand of Rs. 12,000 under the head "22F—Executive Council" be reduced by Rs. 100.

Sir, the object of my motion is to discuss the size of the Executive Council. The Hon'ble Member has said that it is an old story to bring forward such a motion. I submit that there is no denying the fact that it is an old story, but the situation is new and it has been admitted by the highest authority in the land that there is no necessity of running such a top heavy administration. In the Central Provinces the Government on account of the economic distress prevailing at present in the land has reduced the size of the Cabinet. But here only one reply is given whenever member after member, year in and year out, stress this point—why not Bengal follow suit? The reply is that it is necessary perhaps to keep the communal balance in Bengal. If it is intended to keep the communal balance, I consider that one Hindu and one Muhammadan Executive Councillor would be sufficient. Of course, the practice may be unknown in Bengal but it is a fact that in other provinces it is the Indians alone who are managing the show. In some provinces even the Home Member is an Indian. Why not in Bengal? They should follow the same procedure. Then, Sir, where was the necessity of filling up the vacancies which occurred recently on account of the death of one Member and the retirement of another? It often happens in the departments of Government that vacancies are not always filled up. Why was not that procedure followed here when the cry was that we must have more funds? The major portion of the revenues of the province is spent after this top-heavy administration. We have recently got from the Government of India 50 per cent. of the jute duty, but unfortunately the money is nowhere to be found. I think that the administration of the province can be better run by one Minister and one Member only. Therefore, why should Government and the framers of the Budget not reduce the size of the Cabinet and thereby save a lot of money which could be utilised in a more profitable way? When there was a vacancy in the Cabinet by the death of one Member, we suggested that there was no necessity of filling up that vacancy, but the appointment was filled up. There was again a vacancy by the death of the newly appointed Member and that too was again filled up. Then again when Sir A. K. Ghuznavi retired, as a matter of course that vacancy was filled up. I do maintain that it was not at all necessary. Now, Sir, when there is a temporary vacancy and a man goes on leave, what happens in other departments? We find that no new men are generally taken, but other officers run the administration. In the case of a vacancy in the Executive Council, when there are so many Secretaries, Deputy Secretaries, and so many Members, I do not know why the temporary vacancy should be filled up, especially at a time when everyone is trying for the minimization of expenditure. But Government, I find, instead of doing so, are not ashamed to increase the expenditure even by making this sort of family arrangement. I, therefore, strongly protest against this iniquitous proceeding. Government always profess, and have held out hopes to members on this side

of the House and to the people in general, that some day when the economic crisis is over and when funds will be available, they will be in a position to undertake popular projects. But I consider that if this top-heavy administration continues in this way, there will be no chance of the administration being more effectively run and run in the best interests of the people whom these Hon'ble Members of the Executive Council are really to serve. With these words, Sir, I move my motion.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I confess I cannot bring to the support of this motion the amount of enthusiasm that Mr. P. Banerji has shown. Sir, to flog a dead horse is futile, and to flog a dying one is equally futile and also cruel, on the top of it. The Executive Council is on its last legs, and I had thought that Mr. Banerji might leave it at peace to pass away in silence. Of course, our views in regard to this matter are well known. There is no necessity for an Executive Council of four members, and Government have, practically, made no attempt to justify the existence of four members; on one occasion, at any rate, it was given out on very high authority that the seven members of the Cabinet were only necessary for the maintenance of the communal balance. Well, Sir, so much for the excuse for the existence of four Executive Councillors. The fact that it is an unnecessary ornament, that this quadruped Council is an unnecessary ornament, is amply borne out and established by the cases when certain vacancies occur. If these Executive Councillors are so very necessary and useful, and the whole administration depends, more or less, on them, we would expect that when vacancies occur, Government would send out the traditional royal elephant in search of the best in the land. But what do our Government do when such vacancies occur? They go out to fish in the backwaters for the smallest of small fry, just to keep up a show! Therefore, I say that this Executive Council is more a show than a necessity.

Mr. SHANTI SHEKHARESWAR RAY: Sir, Dr. Naresh Chandra Sen Gupta has stated that the Executive Council is, more or less, a dead or a dying horse, but to my mind, Sir, another picture presents itself when I think of the Executive Council. Its position is, more or less, that of an old widow awaiting *Nirvana* on the banks of the Ganges. Of course, there are people who have thrived at the expense of the old widow, and they naturally wish that she should live. On the other hand, there are the reversioners who hope for a speedy end. This question as regards the size of the Executive Council interests only those two sets of people. My views as regards the proper size of the Executive Council are well known to the House. I have expressed them on one occasion, and I do not wish to repeat them now, but there is one aspect of the question which I want to place before the House

to-day. If the Executive Council is to command respect, if the Executive Council is really intended to discharge its duties properly, it should be the duty of those who are entrusted with the charge of filling up vacancies to see that really competent men are appointed. If appointments are made to this body in a light-hearted manner, you lay yourselves open to the charge that this body is an unnecessary and useless appendage which can be, and ought to be, done away with. Sir, I know that it is not proper for us to discuss individual appointments, and I shall not do that to-day.

Mr. PRESIDENT: And that is not within the scope of the motion under discussion: We are now concerned only with the size of the Council.

Mr. SHANTI SHEKHARESWAR RAY: Sir, my position is that I do not want to reduce the size of the Council——

Mr. PRESIDENT: Please do not forget that you are speaking on a particular motion in respect of which certain basic reasons have been specifically given by the mover thereof.

Mr. SHANTI SHEKHARESWAR RAY: Sir, my position is that the whole utility of the Executive Council, whether it consists of one Member, two Members, or half-a-dozen Members, is immaterial, and will go away unless Government are prepared to adopt a definite and correct policy in connection with these appointments.

Mr. PRESIDENT: I do not understand your reasoning. Will you please look into the order paper and refresh your memory? Here we are not concerned with the position which any individual member may choose to take up, but we are concerned with the motion before this House on the basis provided for it by its mover.

Mr. SHANTI SHEKHARESWAR RAY: My position is that the question of the size of the Executive Council becomes immaterial if proper appointments are not made to it.

Mr. PRESIDENT: Order, order.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I for myself confess that I feel that this motion is not very opportune, and my reasons are simply these. It is well known what our views are on the subject. We think that the size of the Executive Council is too big for Bengal, but as we have tolerated it—or have been compelled to tolerate it so far—there is no reason why we should not tolerate it any longer.

My hon'ble friend has asked to-day for the elimination of one Member of the Cabinet. I am sure that he will find great difficulty, as I find myself, in giving effect to his suggestion. There is the Hon'ble Sir John Woodhead, for instance. He has been devoting his time and energy, day and night, in the matter of retrenchment, and we all know how he has been vigorously retrenching at the bottom only to replenish at the top, and in the midst of his glorious work to cut him down and replace him by another man is impossible. So, I would be the last person to agree to have the Hon'ble Sir John Woodhead eliminated from the Cabinet. Then comes the Hon'ble Sir Robert Reid. In this case, also, I find no less difficulty——

Mr. PRESIDENT: But why are you bringing in personalities? Is it necessary for your argument? Not, unless you prefer to speak loosely.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, it is not a proposition which could be seriously entertained by the Council at this stage, although our views are quite clear on the subject. The size of the Executive Council is too big, and, in fact, it can go on very well with a much less number of members, and a good deal of saving in money may be caused thereby. But we hold at the same time that, considering that this Government have only a very short course to run, the reduction cannot be seriously urged, and that is the difficulty which prevents me from seeing eye to eye with the hon'ble member who has moved this motion.

Maulvi ABUL KASEM: Sir, I agree with my friend Dr. Naresh Chandra Sen Gupta that it is too late in the day, at the close of the life of this Council and of the present Constitution, to talk of this matter. It is a mere waste of time. The reason why the Executive Council is so large has been explained times without number, and we too, from this side of the House have, times without number, complained against its size. It has become a sort of hardy annual with us to-day, and I have got nothing new to say on this motion. It has been urged that the size of the Executive Council must be reduced, but I think that it is useless to talk of reducing the number now. But one thing I must say on this subject is that since the inauguration of the Reforms, under which we are working, Bengal has been taxed to meet its ordinary expenses to a very large extent. The reason why I talk of this is that our friends on the Treasury benches have taught us little of economy but a good deal of extravagance. And what I shudder at is, when the next Government comes into office, what will be the size of the Executive Council—I mean the Cabinet—in order to appease every section and every party, every geographical division and

every religious division. Whether the size would be larger or smaller I do not know, and I must repeat that Bengal has been greatly taxed since the inauguration of the Montford Reforms, and I wonder what will be the fate of India when Sir Samuel Hoare's Act comes into force, but I would simply draw attention in this connection to the Bengali proverb: "I don't want your charity, but take back your dog."

The Hon'ble Sir ROBERT REID: Sir, I share with the last speaker his admirable sentiments about the uselessness of this discussion, and I share also Dr. Naresh Chandra Sen Gupta's regret that the Executive Council has not been allowed to fade away quietly instead of expending its last kicks in repelling Mr. Banerji's attacks. This is such an old subject and it has been discussed so often that I do feel that this House is not really interested in it; but I feel bound to make just a few remarks on Mr. Banerji's speech. He devoted himself chiefly to the question of economy, and he gave us, I presume, an indication of what his attitude would be, supposing he were Chief Minister in some future Ministry. He would then start his Government with two Ministers only, but I do not know what he will pay them. Well, I venture to prophecy that within a few weeks of his assuming the burden of Government, he would in the first place get himself into difficulties in the Legislative Council; and in the second place he would get himself into even more desperate difficulties with his own followers, as I am pretty certain that no party of the future Chief Minister will be satisfied with only two Ministerships.

Sir, this motion deals with the size of the Executive Council. At the risk of tiring an already languid House, I would just like to reiterate once more what has been so often said in this House. The origin of these four Executive Councillors is that when the present Constitution was inaugurated, it was decided, rightly or wrongly, I think rightly, that it was necessary to have two official Members to deal with the Reserved side of the House, and to balance them it was decided also, rightly I think, to have two non-official Members, and the two non-official Members who were taken in the Executive Council had this advantage that one of them usually belonged to one community and the other to the other. And I maintain that this has been a great advantage to the Government of the day for a number of years. The balance between the two communities within the irremovable Executive Council were specially, I think, an advantage in those days when Ministers unlike the present Ministry were changed with fairly frequent regularity.

Babu KISHORI MOHAN CHAUDHURI: But the Council passed a motion to reduce the strength of the Executive Council.

The Hon'ble Sir ROBERT REID: I dare say that this Council did carry a resolution to that effect, but the Executive Council went on all this time. Anyhow, we are getting near the end of this Constitution, and I, therefore, venture to think that perhaps the mover of this motion would feel inclined to withdraw it.

The motion was put and lost.

Babu KISHORI MOHAN CHAUDHURI: Sir, I beg to move that the demand of Rs. 12,000 under the head "22F—Executive Council" be reduced by Rs. 100.

Sir, my object in bringing this motion is to consider the serious position to which the Bengal finance has been reduced since the time of the inauguration of the present Constitution in 1921. Sir, we had financial difficulties from the very beginning. Under the Meston Settlement, it was almost impossible to carry on the administration in the beginning, and temporary measures were taken for the imposition of some taxes to meet the emergency when it was hoped that as soon as the financial position would improve, the amounts derived from those taxes would be set apart for the improvement of the nation-building departments. That was the assurance that was given by the then Governor who is now the Secretary of State for India. But up to this time no relief has been granted, except perhaps a share in the jute export duty. Sir, the other day we heard from the Hon'ble Sir John Woodhead that Government had been trying for full justice being done to this province. We have been accustomed to hear that sort of assurances for a long time, but nothing has come as yet. Then, Sir, we have not heard anything about the assurance or promise given to us by the present Secretary of State when he was the Governor of Bengal that adequate relief would be given out of the proceeds of the three taxes imposed in 1921 or 1922 to the nation-building departments. There has always been deficits, and nothing has been done for those departments. Even in the Budget which we are now discussing, there is a deficit of Rs. 40 or 50 lakhs. To meet our heavy deficits, we have been taking heavy loans from the Central Government for some years past. I do not find any justification for that overdraft. It is hoped that our deficit will be met from the jute export duty and certain other duties which it is proposed to be transferred to the provincial finance. But I ask, what about the interest that we have paid for so many years? This year's account shows that the interest charges amount to Rs. 22½ lakhs. Then, Sir, some dredgers were purchased, and for them we have annually paid Rs. 8 lakhs as interest, apart from the amount we have spent for their maintenance. If it was a mistake to purchase them, why have they been maintained, and why were they not thrown into the sea? Sir, Government must make an earnest

attempt to meet their ordinary expenditure from their normal resources, and at the same time they must try to fulfil the assurance given by one of our Governors that more funds should be allotted to the transferred side of the administration. I am sorry to say, Sir, that this has never been done in the past. Bengal realise about Rs. 30 crores in the shape of customs duties and other taxes, and out of that only Rs. 9 or 10 crores are given to her and more than Rs. 20 crores are taken away by the Central Government, and that is an amount which is more than anything paid by any other province. Our special grievance is that in order simply to convince the Central Government that the Meston Award is wrong, why should you maintain a machinery which is unworkable and for which you are not in a position to pay. It is a mistake to pay Rs. 1,20,000 to His Excellency and Rs. 64,000 to each of the Members of the Cabinet. Probably this high remuneration was fixed under a miscalculation that even allowing for it, there would be ample margin left for provincial development and for paying Rs. 63 lakhs to the Central Government as contribution, but when you saw within a year that it was not a possible thing why did you fix the pay at so much, why did you raise the pay of your subordinates? The Bengal civilians were not paid anything more than Rs. 4,000 a month, and a High Court Judge or Member of the Board of Revenue was satisfied with that. How did you find out that the members of the Civil Service would not be satisfied with less than Rs. 64,000 now when you have not ample funds at your disposal? His Excellency ought to see his way to reduce his own allowance and to recommend the same thing to his staff. My position is that the management of Bengal finance has been a failure, with the result that Bengal is heavily indebted. She has been compelled to pay and does pay a huge amount as interest for the loan or subsidy given by the Central Government. In spite of that, a very costly Government is being maintained and very little economy is being effected. Whenever we ask anything to be done, Government always plead their inability to do it for want of funds. I think the Government of Bengal should have taken proper steps to improve their finance.

I brought forward this motion with that end in view. Even now I do not understand what would be the fate of the new regime—we are quite in the dark as to what we are leaving for our successors, what position will be taken and how the Government will be maintained. After 15 years' struggle, we have got half of the jute tax, but that is not quite enough for our needs. We were assured by the then Governor of Bengal that out of the 90 per cent. of the income-tax that is paid by the residents of Bengal we would get a share, and that the entire amount of the jute duty would be granted to us. If that were done, we would have ample relief, but until that can be done why do you maintain such a costly machinery of Government, knowing fully

well that it is impossible to maintain it? I hope the Council will consider whether there is any force in my complaint. My complaint is that the management of Bengal finance has been a failure and that she has been placed in a very awkward position. It is impossible for Bengal to continue in this way, and I think this Council ought to have been taken into confidence in devising means by which this costly administration can be maintained. Adequate relief ought to have been secured from the Central Government so that Bengal may continue its administration in a proper way and the nation-building departments may be adequately provided for. As that has not been done, I make this complaint.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I think Babu Kishori Mohan Chaudhuri has given some reasons in connection with the financial difficulties of Bengal. I take this opportunity to place before the House and the Government another important factor in this connection, and that is the policy of the Executive Government of Bengal. I refer to the policy of the Government of Bengal in connection with the detenus and terrorism. If the Government of Bengal had adopted a sensible and sympathetic policy in meeting the political situation in this country, there would have been no occasion for the large expenditure in connection with the detenus as well as in maintaining the costly additional police force in this province. The question of the detenus has been discussed more than once in this Council, and I do not want to go into detail on this occasion, but I think I shall be failing in my duty if I do not ask the Government of Bengal to reconsider the position on the eve of the inauguration of the new Constitution. Here is a great opportunity for the Government of Bengal to reconcile and conciliate public opinion in this province by releasing the detenus and avoiding this useless and unnecessary expenditure. It is a matter of gratification to us, who have been criticising and drawing attention to the injustice of the policy of the Government in the matter to find that at last the conscience of the Government of Bengal has been stirred. Recently they have come to realise that they cannot go on with the policy of detaining innocent people for years and years indefinitely, and they have to adopt a new policy—they have taken a new turn. It was an act of courage to accept the situation and find a new remedy. Now I will ask the Government to go a step further—to be more courageous and face it, and do the inevitable—and release these detenus. Why do you further exasperate public opinion by continuing this detention of persons who are considered to be innocent by the public? If you accept this policy of release of the detenus, you will create a better atmosphere, and there will be less expenditure on continued vigilance on the part of the police to hunt down terrorists. I do not want to criticise on this occasion the scheme

of the Government of Bengal, as this is the latest hobby of the Government of Bengal in the matter of meeting this menace of terrorism, because after all it is an experiment, and it is not very charitable to criticise that experiment at the initial stage. We shall all wait with interest and with good wishes for the success of the experiment, though personally I am very doubtful of the outcome of such a half-hearted half-measure. I would make a personal appeal to the Hon'ble the Home Member who will be shortly relinquishing his charge—I know he will be coming back, but after all he cannot continue when the new Constitution comes into force—but before he relinquishes his charge, I would appeal to him to go into the question sympathetically in the interest of the people and in the interest of the future Government and to see whether it is not possible to release these unfortunate persons who are our countrymen. (MR H. S. SUHRAWARDY: Your kith and kin.) Well, we do feel for them as our kith and kin. We do not want to forget them. I want the Government of Bengal to change their policy, and I am making an appeal to the Hon'ble the Home Member to accept the suggestion that I have made.

Mr. P. BANERJI: Sir, I rise to support the motion——

Mr. PRESIDENT: After hearing the two speeches I feel inclined to give some directions as to how this debate should be conducted. Kishori Babu has given his reasons and has confined his motion within the four corners of what he has chosen to call "financial difficulties of Bengal." Members who would now speak should bear this in mind. The difficulties should be enumerated first, and then it should be their endeavour to prove that the actions of the Members of the Executive Council are collectively responsible for the creation of these difficulties.

Mr. P. BANERJI: Sir, I shall try to keep myself within the limits of your ruling and would say that the financial difficulties of Bengal are the creation of this administration through want of foresight and inefficiency. It has been pointed out by the mover of the motion that these difficulties have been created by the Executive Side of the Government without thinking ahead that in time they would come to grief. Now, Sir, of all the statesmen in the world, wise is he who has foresight. Here, I charge the Government with inefficiency and want of foresight. Whenever they have money from other sources, that money is absorbed in their own arrangement. Mr. Shanti Shekhareswar Ray has pointed out that there is an excess of expenditure by Government for these detenus and for the matter of that to keep more police and to spend more money on the Police

Department with the result that when the depression came they had to borrow money from the Central Government and pay heavy interest——

(At this stage the Council was adjourned for fifteen minutes.)

(After adjournment.)

Mr. P. BANERJI: Sir, I was supporting this motion charging the Government for these financial difficulties in Bengal with inefficiency and want of foresight. These are the two reasons which have brought about this struggle. As I was saying, Mr. Shanti Shekhareswar Ray condemned the Government for their policy in the matter of administration so far as the police and the detenus were concerned. Innocent persons whose guilt was not proved or could not be proved by Government were put under restraint, and now on one excuse or another Government have to a certain extent found their folly and are trying to retrace their steps by directing these persons to remain as home internees and in some cases by training them in the detenus' camp in agriculture and in industrial manufactures. Our point is that if the intention of Government is to do certain good things to the people, then I submit that this dual function must be done away with immediately. That will minimise the expenditure to a great extent, for it will be entirely entrusted either to the Hon'ble Minister in charge of Agriculture or to the Deputy Director of Agriculture who is practically looking after this matter. Otherwise, there is sure to be a practical difficulty. The Hon'ble Member has said that there are certain persons amongst them who are not terrorists and will get the opportunity of getting themselves trained in agriculture and some form of industry, but the difficulty arises from the fact that they are not willing workers. The Hon'ble Member has also said that out of 125 persons only 3 have been taken away; one has been sent to Malda and another to an unknown destination——

Mr. PRESIDENT: Order, order. I am very sorry to interrupt you, Mr. Banerji. I find you have forgotten my ruling. What is the motion before the House? Kishori Babu wanted to show that certain financial difficulties had been created and those were actually the result of certain actions which the Executive Council collectively took. It is incumbent on you to prove that and for your guidance I laid the principle which was a very simple one, that is first of all to enumerate the difficulties, but you did not do it. You should take any particular item which you think useful for the purpose of your debate and then try to show that those difficulties were created by certain definite actions of the Executive Government. I also pointed out

that individual actions of any Member should not be taken up at this stage, but only collective action should be taken up. That is the purpose behind the motion and you must adhere to that. But you were talking at random.

Mr. P. BANERJI: Now, Sir, as I was saying just now, the Government by their action and policy to-day are still increasing the expenditure, but not for useful purposes, and, therefore, I was, in passing, referring to this point. But, Sir, as you have ruled that I cannot enter into details, I will refrain from doing so. I will only tell the Hon'ble Member that if this state of things continues, it would be a sheer waste of money, and no useful purpose will be served by spending money in this direction. I say that there has been wanton expenditure incurred in maintaining the military in the different districts of Bengal and increasing the number of the police force. May I enquire, Sir, what is the reason of all this? There was a time when I admit the military and the additional police might have been necessary, as there was the subversive movement and attempts were made by some of the terrorists to take away the lives of Government officials. There might have been a time, Sir, when some such expenditure was needed, but now that time is no more, and it is admitted even by Government that things have cooled down. There are, however, some legitimate activities of the people in the countryside in the shape of the present movement against the union boards. People think, and the Act provides also, that it is up to them to accept union boards or not, but why is it that on the point of the bayonet and through military marches Government should be thrusting on the people a thing which they do not want? If Government think that the union board is a necessity for every village, why is it that in those districts for the last 16 years no attempt was made to introduce union boards, and why are they doing that at the time of this economic crisis? Thousands of villagers have applied to Government that union boards may not be introduced into their villages, but Government have turned a deaf ear to their petitions as well as their deputations, and orders have been given to the local officers by which the villagers either have been put in jail or their movements restricted, or, in some cases, they have been village-interned; over and above this, the military march is going on. The Hon'ble Members are directing their officers to teach the people to respect the authority of the Government. May I enquire of the Hon'ble Member whether such acts of the Government and such extra expenditure will in any way take them any further? I do say that it will not; rather, instead of doing so, it will increase the hatred of the people towards the Government. As I was submitting to you, Sir, I do not know why this should be done, particularly at a time when Government admit that there is a famine raging in the countryside

and there is also a failure of crops. Why should such extra expenditure be forced upon the people? I put questions on this subject and the Hon'ble Member has always given evasive replies, and we are definitely of the opinion that there are cases where the police—especially the extra police—have oppressed the people and are still oppressing the people in the countryside. I fail to understand why Government should incur such heavy extra expenditure on this account, and for what reason? If without union boards, Sir, the administration has gone on for the last 16 years, then why not wait, just as the Government say in connection with other measures, that they can wait till they are in affluent circumstances? I do say, therefore, that there must be an immediate change of policy, and if this change in policy is not forthwith made, the result will be that the situation will become more and more difficult. Many members have suggested that it is not up to us at the fag end of the life of this Council to ask for a change of policy. I do maintain, as the mover of the motion has pointed out, that we are expending only on one overdraft loan 22 lakhs as interest. That is one item only, and there are other items, *e.g.*, for the dredgers, upon which, I believe, more than 8 lakhs is spent as interest. In this way this Government by their inefficiency and want of foresight have fettered our hands and have plunged us over head and ears in debt.

There is another point. It is that when we had come to grief there came this windfall of jute tax, which is the legitimate receipt of this province, but for which this Government did not try at all. They allowed it to go by default, and this action on their part has impoverished Bengal in this way. This is not a new thing; it has been discussed by members year after year in this House. And, Sir, with what result? The result is that we have now got one crore and a half, but it has not gone at all to the benefit of the people in general. That being the case, Sir, is it not in the fitness of things that even at the fag-end of this Constitution—I mean the administration—is it not right, is it not in the interests of the people and of good administration also, to ask for a change of policy and that no attempts should be made to coerce the people in the way that this Government are doing? I say, Sir, minimise your expenditure on the police, and that can only be done if there is a change in the attitude of the Government. But this change, as I have noticed and as I regret to say, cannot be expected from Members of the Government in view of the fact that their answers to questions given to members of this Council on the subject of the grievances of the people in general have been most unsatisfactory and there has been no redress whatsoever. These people are absolutely in a helpless condition, and if, at any time, we try to bring their condition to the notice of the Government, we are always treated with scant courtesy.

Therefore, I suggest that there must be an immediate change of policy and that these route marches also must be immediately put a stop to. Political prisoners also should be at once released. If this is done, it would mean an immediate decrease in expenditure which is quite heavy. The decrease in expenditure in so far as only one department is concerned is enormous, and if you go through the Budget you will find that about 25 per cent. of the income of this province is eaten up by Sir Robert's departments alone. Therefore, when such a large portion is taken away in this way by him alone, the result is that other departments must starve. This has been our cry here year after year, and, although it is an old thing, to us it is always a fresh and a new thing. Unless you bring about a change in policy, there is no hope of salvation for this province.

(At this stage the member having reached the time-limit had to resume his seat.)

The Hon'ble Sir JOHN WOODHEAD: Sir, it is somewhat difficult to reply to a general discussion on the budget on a cut motion moved in order to discuss the financial difficulties of Bengal. The debate has roamed over a wide field in rather an indefinite manner. I tried at first to follow the debate in detail, but towards the end gave it up as a bad job. Babu Kishori Mohan Chaudhuri started off, so far as I could gather, with a diatribe against the Meston Settlement. Then he wandered on to our over-draft loans and inquired why we took those loans at all, and why we have to pay interest on them. He also suggested that, although we had borrowed for the purpose of buying certain dredgers, we should not have paid interest on the sum we borrowed. Then he went back to the provincial contribution of 63 lakhs which was a part of the Financial Settlement of the Reforms, and tacked on to that an attack on the unnecessarily high pays, which he apparently considers every officer of Government, not only the Members of the Executive Council, draws. And, finally, he ended up by suggesting that we should have obtained by now—but, unfortunately, we have not done so—the entire amount of the jute tax and a share of the proceeds of the income-tax. Sir, I cannot deal fully with such a variety of topics in the course of a short speech on a cut motion. I would only say this, that if our receipts are less than our expenditure, we have to get money from somewhere to meet the excess of expenditure over receipts and that the usual course is to borrow from somebody. That somebody, Sir, is the Government of India, and the Government of India, like every other lender, does not lend money for nothing. Again, we had to borrow in order to buy the dredgers, and the lender, again, insisted on interest being paid and on the amount borrowed being ultimately repaid. (BABU KISHORI MOHAN CHAUDHURI: Why not by subsidy?) Everybody in this House knows how we have protested against what we all consider to be an injustice to Bengal, the

inequitable financial settlement under the existing Reforms, and how during the four years that I have been in office, and before that during the time of my predecessors, we have strained every nerve to obtain a revision of that settlement. We have not so far succeeded in obtaining tho revision we desire; but we have received half of the jute tax, and what further relief we shall obtain, we shall know during the course of this year. But if Babu Kishori Mohan Chaudhuri thinks that we have not done all that we should have done to try to get what we think we should get, then all I can say is that I do not know how we could have done more. We have spent much time and labour in preparing our case, we have written innumerable letters, and members of this Council have ventilated the province's claims from time to time on the floor of this House. The decision does not rest with us, it does not lie with us to say that we shall get what we demand; the final decision lies with somebody else, and if we do not succeed in obtaining all we claim, I hope no one will say it is our fault.

Mr. H. S. SUHRAWARDY: May I ask a question of the Hon'ble Finance Member? Will the new Constitution be saddled with the accumulated loans that Government have had to raise in order to meet their ordinary expenditure?

The Hon'ble Sir JOHN WOODHEAD: That is obviously a question, Sir, to which I cannot reply; the answer must come from somebody else.

Mr. Shanti Shekhareswar Ray adopted another line of attack. I could not quite follow him. Apparently, he was of opinion that if we had not had to expend money and had not expended money on combating the terrorist movement and on the maintenance of detenus, we should have been better off. I quite agree with him there, but, surely, he begs the question when he says that we should not have incurred that expenditure. In his opinion all the persons who have been kept in detention are innocent people. There, Sir, he begs the question entirely. We maintain that the expenditure was absolutely essential for the safety of the State, and I trust it will be a sufficient reply to say that this Council sanctioned that expenditure. Perhaps, it may be that he did not approve of the action of the Council but then, Sir, he is not the Council, but only a single member of it.

As regards Mr. P. Banerji, I do not know how the reporters take him down correctly; I am afraid that they do not, and I certainly had great difficulty in following him. He talked about lack of foresight, and of the failure to think ahead. Well, perhaps we do not think far enough ahead, and it is possible that if Mr. P. Banerji ever becomes the Finance Minister, he will use more foresight, think further ahead

and disclose more efficiency than we have done. If he succeeds, in doing so, I shall congratulate him; in fact I will come back to congratulate him.

As regards expenditure on amount of the military forces, almost the whole of the cost of the additional garrison in Bengal is borne by the Government of India and not by the Government of Bengal. Mr. Banerji knows that as well as I do.

About union boards Mr. Banerji talked at length. But does he not know that union boards cost Government nothing? Although he knows that Union Boards do not involve Government in expenditure, he has used this cut motion to make some remarks as regards union boards in his "favourite" district of Midnapore.

As regards the Police, our expenditure is certainly heavy. I wish it was not so heavy. Circumstances have rendered heavy expenditure unavoidable but again I would remind the House that the Council has voted the heavy expenditure on Police,—expenditure which was necessary for the safety of the State.

Sir, I have nothing more to say on this rather indefinite discussion; I oppose the motion.

The motion was put and lost.

Adjournment.

The Council stands adjourned till 3 p.m. on Wednesday, the 18th March, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 18th March, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 95 nominated and elected members.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1936-37.

DEMANDS FOR GRANTS.

22—General Administration.

Motions for reduction.

Mr. P. BANERJI: I beg to move that the demand of Rs. 12,000 under the head "22F—Executive Council" be reduced by Rs. 100 (policy of the members of the Executive Council towards the members of the Council).

Sir, my grievance is that whenever any question is put, starred or unstarred, in order to get certain information of public importance, the Hon'ble Members of Government always give evasive answers and act just like the General Post Office. Questions are answered generally in a very unsatisfactory manner in most cases. I can show you, Sir, that in the course of the last three days the answers that had been given were most unsatisfactory. The invariable plea that is always trotted out by the Members of Government is that information cannot be supplied in the public interest. They never explain what is the nature of public interest and why the information has got to be withheld. It is also said sometimes that the information cannot be obtained without laborious enquiry and the Government are not prepared to undertake the trouble. I do not understand for whose benefit the Government function? When members of the Council

want certain information, is it not in the fitness of things that that information should be supplied? The fact of this persistent withholding of information has been brought to the notice of the Members of Government times without number, but it was like crying in the wilderness. That being the position, I think, it is the fit occasion for us to ventilate our grievances and bring them to the notice of the Hon'ble Members of Government. I think, Sir, that if answers to questions of public importance are evaded in this fashion and kept unanswered, it would be much better to do away altogether with the question and answer system. It is a sheer waste of time, money and energy. That is, Sir, one of the many grievances that I want to ventilate. Then, again, Sir, it is found that sometimes the questions which could immediately be answered, are kept back and unnecessarily delayed. These answers are given after 15 days or even after a month. I am not the only member who has this grievance, but there are others and perhaps they will put forward their grievances when their turn comes.

Another point that I wish to bring to the notice of the Members of Government is that they are wont to give no information even to a question of urgent public importance. I may cite as an illustration an incident of the present session. A short notice question was asked on the 9th of this month regarding the recent strike at the four Ghats, viz., Jagannath Ghat, Kulpi Ghat, Armenian Ghat and another Ghat and the nature of reply given in this matter was far from satisfactory.

Mr. PRESIDENT: I do not think it is your intention to discuss any particular question. The reasons which you have given for bringing up the motion under discussion do not indicate that. Under your own terms you are entitled to discuss only the policy of Government towards the members of this House. Instead of that you are discussing the answer of a particular question. I am afraid I cannot allow you to specifically mention or criticise any question or any answer. You are supposed to criticise the policy underlying actions of the Members of the Executive Council in relation to the members of this House.

Mr. P. BANERJI: Might I respectfully submit, Sir, that in order to illustrate my point I have got to cite instances——

Mr. PRESIDENT: Order, order. I am decidedly of opinion that you cannot do so. If I allow you to do so there will be no end of it. You and other members may take us back to all the questions that have been answered on the floor of the House.

Mr. P. BANERJI: If that is your ruling, Sir, I bow down to your decision, but nevertheless I submit that in that case I am helpless in the matter and I do not know how to discuss it unless I am allowed to show by illustration that inaccurate and evasive answers are always given by the Members of Government. The answers given are sometimes a deliberate violation of truth; I was seeking your permission just to prove and substantiate my argument by illustration that the Members of Government deliberately give evasive answers even to a question of great public importance. There are, Sir, definite instances of this nature and I challenge the Members of Government to disprove my statement. But unfortunately, Sir, I am not permitted to do so.

Mr. PRESIDENT: What you have said just now is enough for your purpose. You may continue to attack their policy until you are challenged by the Hon'ble Member to produce evidence by citing specific cases or instances. You better confine your remarks for the present to the generality of the subject, you have thrown open for discussion.

Mr. P. BANERJI: Sir, when the Hon'ble Member has spoken I shall have no opportunity of making another speech and I would not be allowed by you, Sir, to do so. That is my position. I shall not justify my statement by definite illustrations if it is your ruling that I shall have the opportunity of speaking after the Hon'ble Member has spoken and challenges my statement. With these words I commend my motion to the acceptance of the House.

Mr. PRESIDENT: You will not be allowed to make another speech. But I will allow you to cite specific instances if the Hon'ble Member wants them.

The Hon'ble Sir ROBERT REID: Sir, to my mind, Mr. P. Banerji started off his speech by begging the whole question. He started by saying that members of this House asked for information on matters of public importance and the Hon'ble Members of the Executive Council refused to give them. Well, I think, it is our experience as Members of the Executive Council—and I think a good many of the members of this House will agree—that quite a lot of questions were asked which were not matters of real public importance. Then, again, he says, that questions are answered on two lines —either the Members of the Executive Council get up and say that it is in the public interest that the information should not be given or else in giving answer to the question that has been asked they say

that it involves such a laborious enquiry that Government really feel that they cannot undertake it. Well, Sir, with regard to the first point, unworthy as we the Members of the Executive Council may be, so far as our own departments are concerned, we are for the moment the custodians of public interest, so far as giving certain information in answer to a certain question is concerned. Though we may regret it we are unable to give information because we honestly feel that it is not in the public interest that the information should be given.

As regards the matter of laborious enquiry I am perfectly certain that I have the support of the bulk of the members of this House when I say that questions are sometimes asked comparatively on trivial matters to answer which would mean the collection of an enormous amount of statistics which would probably never be read and which in fact it would serve no useful purpose. That is the simple common sense reason why Government are compelled to refuse to obtain the material to answer a question when it involves laborious enquiry.

It is difficult to reply to the very sweeping and general accusation of disrespect, untruth, inaccuracy and our general disinclination to give information. I do not know whether you intend giving an opportunity to Mr. Banerji to reply after I have spoken and have a wordy dialogue before the House but I do repudiate his sweeping remarks that Government are always prone to violate the truth in giving their answers. If he is in a position to say that the answer to a question is inaccurate the only inference is that he has already got the information he is asking for. Otherwise how on earth can he check the answers we give? Our answers, Sir, are based on enquiries from officers whom we have every reason to believe to give us true and accurate information. To say that the Hon'ble Members of the Executive Council give untrue and inaccurate answers is, therefore, a gross perversion of truth. The principle underlying this system of questions is that questions are asked for the purpose of obtaining information on a matter of public interest and that is the principle which the Members of Government always try to bear in mind when they are framing their answers to such questions. Therefore, I hold—and I believe the House will agree with me—that the accusation which Mr. Banerji has thrown against the Members of the Executive Council that they are inaccurate and untruthful is not in the slightest degree based on facts. Sir, I oppose the motion.

The motion was then put and lost.

Babu KSHETRA NATH SINGHA: I beg to move that the demand of Rs. 12,600 under the head "22F—Executive Council" be reduced by Rs. 100 (for not giving effect to India Home Government Resolution of the 4th July, 1935, for representation in public services of the scheduled castes).

Sir, our scheduled castes have been recognised after long years by the Government. These castes are labouring under great many disadvantages for a long time without any recognition, without any help and without any assistance from Government. After the Round Table Conferences, when the Franchise Committee made its statement recognising our claims that so many millions of His Majesty's subjects have to be put in their proper places, the Government recognised our claims and brought out a circular commonly known as the Hallet circular in 1934. Our local Government then brought another circular in the year 1931 and admitted our claims in this province. Another recent circular was issued by this Government in 1935 admitting our claims to the ministerial services in the departments of Government. It is not known, Sir, how far these circulars have been acted upon and I do not know whether action is being taken according to these circulars. Of course now and then a little bit is being done here and there for the depressed community, but I do not know if anything tangible has up to now been done for us,—the scheduled castes.

I, Sir, would like to put the claims of my own community, the Rajbansi community of this province. Our population amongst scheduled castes in this province is 19 lakhs and we stand second the Namasudra community being the first who are about 21 lakhs with regard to population in the province. I wish to know, Sir, what Government have done for such a large proportion of population. My community stood by the Government when they were in dire necessity and issued appeal after appeal during the war asking their people to come forward and help the Government. My community, though a backward and backward in the real sense of the term, came forward and offered their help with men and money. There are records in our Kshatria Sanmilani to show that hundreds of our community offered their services for the cause of His Majesty's Government and enlisted during the war time. Six hundred men were enlisted and out of this about 100 went to the actual battle field. I am proud of my community that they were able to do so and help the Government by men and money which no single community of this province was able to do. Altogether one battalion of Bengalee regiment was sent to the field almost half of which belonged to my community. My predecessor Rai Sahib Panchanon Burma always served the cause of Government and whenever Government was in difficulty he helped them with men and money. He was making propaganda in villages with the help of the other members of our community; and my humble self was one of them who tried his level best to help Government in every possible way. When the war ended, Rai Sahib Panchanon Burma asked for a militia for our community, but Government said that it was not possible to grant

militia for the people of our community and if the Hon'ble Member were to see the archives of the Secretariat, it will prove my statement. But, Sir, what the Government has done for my community since then? Our late leader, Rai Sahib Panchanon Burma, is no more in the land of the living, and I have come to plead for small things for my community. I am a small man and I am speaking of small things.

Now, in regard to education. In the year 1911, I see from the census report that the percentage of education in our community consisting of a population of 19 lakhs is only two per cent. It will be seen from the census of 1931 that, while every other community of His Majesty's Government has advanced in education, my community has made no progress whatever. In twenty years the percentage has increased from two to three-half. We do not want higher education for our community, but we want elementary education —the A B C of education. Even this little education is apparently denied to our community——

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: On a point of order, Sir. Can the matter of transferred education be discussed in the general discussion?

Babu KSHETRA NATH SINGHA: Sir, I am simply putting my argument before the House and am not censuring the Government or anybody. My point is that we are a weak community and something should be made to improve our condition and so I am putting forth our grievances before the Government, that is all. I request the hon'ble members to give me a patient hearing.

Sir, a quarter of a century ago only one appointment of a sub-deputy collector was offered to our community—to Babu D. M. Roy, and not a single other such appointment was offered to anybody of our community, although there are educated persons. Even when Mr. D. M. Roy died, gap was not filled up by a person of our community.

Then again, coming to the petty ministerial services, it will be seen that the position is the same. In Rangpur there is only one man in that service in the civil court and in Jalpaiguri there are 2 or 3 posts given to our community. In Dinajpur the position is no better.

This year, Sir, we offered 5 candidates from our community for the post of Excise Sub-Inspectors, amongst whom one was a graduate and the others I.A.'s, but such is our ill-fate that not a single name was sent up by the Collector. May I ask for what reason? Is it proper to ignore a backward community in this way—is this justice? It will be seen from the budget presented this year that we paid as much as 4 lakhs as tobacoo tax: tobacco is largely grown in the

districts of Rangpur and Jalpaiguri, but, Sir, from these districts not a single man was taken as Excise Sub-Inspector to take a share of the profit accrued from these districts. In every service our position is the same. We are told every year that our case will be considered and reconsidered, but nothing material has up to now been done. I am not asking for big things, but we should be allowed to take our proper share in small things. If certain percentage is not allowed to my community, who are dying for want of impetus by not being able to secure Government job, there is no chance for our youngmen who have taken admission into the colleges and schools. If Government do not give us any impetus by giving now and then some services what would be our fate. In our part of the district, Rangpur, the numerical strength of our community is next to Muhammadans and while the Muhammadans are advancing we are still in the same place. Muhammadan friends say that they also are not faring well but my community fares worse in that respect. My community is getting no help, no impetus and nothing of the kind and unless somebody comes to their rescue they would die. Though the Primary Education Act was passed long ago no effect was given to it on the plea that there are no funds. What we want is some education to the people of my community and Government cannot say that they have no funds for the education of their illiterate subjects. We are ready to pay taxes if funds are necessary. If Government were willing to provide facilities we shall pay the taxes required of us as we want to live and not die of starvation. These are my grievances and for this reason Rai Saheb Panchanon Burma has entered our name in the list of Scheduled castes. Our community deserve more than the others. In the matter of getting appointment my community is the worst sufferer because we are most backward in the real sense of the term because we are not educated and consequently not thriving. Unfortunate as our luck is we are dying in the dark. Under the circumstances I pray to Government to consider our case and give us what we want if they want us to live and not die. I appeal to the benign Government to consider our case as we are also one of His Majesty's subjects. I do not want to speak anything more.

Mr. C. P. HOGG: In spite of the somewhat mournful and depressing tenor of the hon'ble member's speech this is curiously enough, as I shall hope to show presently, one of those few cases in which the spokesman on behalf of Government can assure the mover that he has already got more than he is asking for. This motion is based on what the hon'ble member calls the "Hallett Circular" and asks that the Government of Bengal should give effect to a particular resolution of 1934 for representation in the public services of the scheduled castes.

In that circular provision is made not only for the representation of minority communities but for Muhammadans also and I may mention in passing that the provision in respect of Muhammadans is 25 per cent. In this province in the superior provincial services the reservation is 45 per cent. I do not know whether the mover of this motion proposes to include the Muhammadan community in his recommendation that this circular be put into force. Coming to his own community with which he is particularly concerned I find that the figure in the Government of India rule is 8⅓ per cent., that is to say 1 in 12. But with regard to the provincial services in Bengal—I shall deal first with the superior services—the rules provide that if no member of the minority communities and backward classes is successful in an open competition then the Governor in Council may nominate up to 1 in 10 of the total number of vacancies, which is, as a matter of fact, a better proportion than that provided in the circular on which the hon'ble mover relies.

Then with regard to the ministerial services he referred to a circular of 1931 which brought into force certain experimental rules in two districts of Bengal; there the reservation provided is 1 in 3 of the non-Muhammadan vacancies. In those districts the reservation for Muhammadans is one-third and if the figure be worked out it will be found that the percentage of reservation in those selected districts is about 22; the Hallett Circular provides for 8⅓ per cent. I know that these figures are only in force in two districts but Government have recently had under examination the results of that experiment. Enquiries have been made throughout the province and the revision of the rules is under consideration. What may be the ultimate decision of Government it is not for me to say but I think I can assure the mover of this motion that the figure which will be finally selected will afford ample opportunities for the members of his community to enter the public services. The mover however went further than the minority communities and backward classes. He appeared to be more concerned with his own community—the Rajbanshis. If I understood him aright he was speaking more particularly of the opportunities of members of his own community to get into the public services. Now the backward classes and minority communities, according to the Scheduled Castes list, are 78 in number of which the hon'ble mover's community is only one. He cannot expect that a special reservation will be made not only for minority communities as a group or as a class but that we shall go further and make the reservation for particular members of the scheduled castes. I should like here to sound a note of warning and I would ask the hon'ble member to consider whether it is really wise to press his claim for reservation so far and so persistently as is now done. I find on going through the motions in the order paper before the House that a large number of motions has been put down to press for an

increase in reservation in one direction or another. I must confess that I have always felt some surprise at the patience and tolerance with which the claims for particular communities have been listened to in the past. I consider that where these reservations are made they can only be made at the expense of some other section of the community. Hitherto the peculiar position of the minority communities and backward classes has called for the sympathy of other sections of the community. It is just possible that too great a strain may be placed on the sympathies of others and if these claims are pushed too far there may come a time when the whole basis of reservation will be challenged and called in question. I would, therefore, ask the hon'ble mover to consider the wisdom of pressing the motion too far; and not to press it so far as to suggest that for the one particular community which he named there should be a particular reservation.

As regards the general question, as I have already pointed out the rules of the Government of Bengal already go further than the rules which are commended for our acceptance and if he will not think it out of place I would suggest that he should withdraw the resolution. I shall not embarrass him by suggesting that Government might accept it, but if he does not withdraw it speedily they may have time to change their mind altogether.

Babu KSHETRA NATH SINGHA: With the permission of the House I beg to withdraw my motion.

The motion was then by leave of the House withdrawn.

Mr. P. BANERJI: I beg to move that the demand of Rs. 12,000 under the head "22F.—Executive Council" be reduced by Rs. 100.

Yesterday in reply to my question I had to show that most erroneous information was given and I must say that the Hon'ble Member has been let very badly down by his subordinates. I may just tell you that the challenge that the Hon'ble Member throws just now I am prepared to accept and I will prove to his satisfaction how he was wrong. In reply to that question he said——

Mr. PRESIDENT: Why do you go back to that question?

Mr. P. BANERJI: Sridhar Jana was assaulted——

Mr. PRESIDENT: I must tell you that if you are in possession of certain facts you better make use of them without referring to any question or answer.

Mr. P. BANERJI: The Hon'ble Member said that mukteer Sridhar Samanta neither attended the ceremony nor was assaulted——

Mr. PRESIDENT: Have you been able to catch the significance of what I said? I am not prepared to allow you to criticise any question or answer specifically, but for the purpose of your motion you can make use of any fact that may be in your possession, I give you absolute freedom there.

Mr. P. BANERJI: The fact is that during the route march on the 28th January Sridhar Samanta who was interned at his home was brought out of his home by the Subdivisional Officer. When an officer first called at his house, Sridhar replied that he was under ban, but when the Subdivisional Officer who had been near to his house sent for him, he came up to him and was persuaded to come to the place where the flag was being hoisted by the military. As soon as he went there the Commandant became furious and at once kicked him. Sridhar then appealed to the military man and asked why he should kick him in that way. The officer replied that because he refused to salute the flag, he deserved that treatment. Sridhar said that because he was kicked, he must refuse to salute the flag. Sridhar added that almost all the congress workers were summoned in this way and asked to salute the flag for the purpose of humiliating them. I do not know any law by which every citizen could be compelled——

The Hon'ble Sir ROBERT REID: Could the hon'ble member let us know the authority of his statement?

Mr. P. BANERJI: I have the authority of the man who was kicked and I hold his own hand-writing in my hand. I know this gentleman personally and if the Hon'ble Member will care to see this, he will find in it altogether a different story from that given to him by his subordinates, and I can substantiate every word of this gentleman in this House. This is not the only instance but many such statements were made in this House and it was not found possible for the Hon'ble Member to make any enquiry into them, because this state of things often happens in the countryside. I do not know whether it is done under instructions from the Government or by the subordinate officers of their own accord. We are led to believe that it is not done by the subordinates of their own accord, because whenever we asked the Government to make an enquiry, they refused to enquire into the matter. That proves that it is done with their connivance. Afterwards Sridhar was taken to four different soldiers and was kicked by all of them with the result that he bled profusely. He applied to the Subdivisional Officer for redress and then to the District Magistrate without any effect. Then he was taken to his house and no medical aid whatsoever was given him, and to add to his misery he was made to walk a distance of 12 miles twice to go to the thana of Maina. I will now come to the case

of Kumar Chandra Jana of Basudebpur. He was under ban on account of his activities against union boards. He was fasting as a protest against the oppression of the military on the villagers and it was on the 9th day of his fast that he was asked to come to the place where the flag was hoisted and many of his relations came and asked him to break his fast. The soldiers were trying to bring him out but when the Circle Officer intervened he was spared. I will now come to another instance; it is that of Kalipada Ray, who was also similarly treated. He was an old man. He was taken out of his house and made to walk a distance of 5 miles to attend the flag hoisting ceremony and when he refused to salute the flag, he was assaulted. I could mention several other instances of a similar nature, for instance that of Rash Behary Jana who was also similarly assaulted. The Hon'ble Member said that this man also refused to salute the flag and that is why he was assaulted. (THE HON'BLE SIR ROBERT REID: I never said that). Now, what is the object of these military route marches? The real object is, by demonstrating the military strength, to strike terror into the hearts of the people so that they may not join in any political agitation. It has been given out by Government that these route marches are very much appreciated by the people which is apparent from the entertainments given to the troops by the people. Let us examine how far these route marches are popular. You will be surprised to hear, Sir, how the preliminary arrangements for entertaining the troops are organised before the route marches actually take place. In some districts the Subdivisional Officer writes to the *zemindar* requesting him to let the Subdivisional Officer know the programme of the entertainments that the *zemindar* would be prepared to give to the troops when they visit his village. The *zemindar* is also directed to fix the programme in consultation with such officers as the circle officer, the thana officer, the president-panchayat and so on. Similar letters are sent to talukdars and other prominent men. After all, these officers actually go to the villages and raise subscriptions not only in money but also in kind, *e.g.*, eggs, milk, rice, etc. So, it is practically a *zulum* that is made when the military are marching through the different districts of Bengal in these days of economic crisis. The people are compelled to do these things, and if anybody refuses to do it, you can just imagine the fate of that man; he is subjected to assaults resulting in some cases to profuse bleeding. So out of fear they are bound to give their quota. If these route marches are not stopped, the result would be that these innocent people would be exasperated and we do not know what the ultimate effect will be. Therefore, in all fairness and in the name of efficient administration it is expected that Government should not in this way terrorise and oppress the people in the countryside in the name of law and order. An analogy might be drawn between the ceremonies and our Kali puja. At the time of Kali puja when the

goats are taken away for sacrifice nobody would listen to their cries. Similarly nobody listens to the cries of these innocent persons when they are taken out of their house to attend to the flag hoisting ceremony. Last time when I took up this question, I was in correspondence with the Chief Secretary who promised to enquire into the matter, but no enquiry, I am sorry to say, was made at all. This illustrates amply the feeling of the people in the countryside. Can it be imagined for a moment that the *zemindars* of the villages and the poor villagers who cannot have regular meals on any day on account of the present economic depression have to bear this burden cheerfully and enjoy this *tamasha*. May I enquire of the Hon'ble Member if these things will produce any good result? I do not think it will. You cannot exact loyalty from the people by terrorising them. I will give you another instance. In the house of Rabindra Nath Chandra, on the 25th January——

The Hon'ble Sir ROBERT REID: On a point of order, Sir. Mr. Banerji has got a question down about this man which will be answered this session. I suggest that he should wait till the answer is given. Won't he wait till then?

Mr. P. BANERJI: Sir, it is doubtful. As I have pointed out, we sometimes cannot get our grievances redressed—sometimes even we cannot get any reply to our questions.

The Hon'ble Sir ROBERT REID: You will get a reply in due course.

Mr. P. BANERJI: Well, as this question might not be reached at all, I have taken this opportunity of ventilating my grievances here and now. I hope the Hon'ble Member will take note of it and see whether this policy cannot be at once stopped. In many cases, as I have pointed out, the Hon'ble Member has been badly laid down by his subordinates.

Mr. PRESIDENT: Do I take it that you are not prepared to wait for the promised reply?

Mr. P. BANERJI: Yes, I am not prepared to wait.

I have got many such instances in my file (laughter) and I have got so many instances that it is not really possible to relate all the pathetic details. The Hon'ble Member might be laughing, and I find that some other members on the Treasury Benches are also laughing in the same strain. But if hon'ble members of this House will come with me to the countryside, they will find that it is their own people, including their women-folk, that are subjected to such humiliation. I say,

Sir, that it is a shame and a disgrace that some members of this House should be laughing while their people and women-folk are being subjected to such humiliation in the countryside.

Mr. PRESIDENT: Order, order. You cannot say that. They might be laughing at the way in which you are speaking.

Mr. P. BANERJI: I may not be the judge of that, Sir, but it is up to me to form my own opinion. I submit that I am not casting any reflexions on this House but on certain members of this House. But I may also say that when they make certain reflexions on me, you never come to my protection. I may repeat, however, that I am not casting any reflexions on the House as a whole.

Mr. PRESIDENT: Order, order. Do you mean to say that when you really needed protection, that protection was not given to you by the Chair? Do you stick to that statement of yours?

Mr. P. BANERJI: No, Sir. But I am not going into further details. One such case is quite sufficient, and I have given so many instances.

From Midnapore I shall now go to another district. I shall now take up the Faridpur district. In Faridpur, last year, during the winter, route marches took place in Bajitpur, Kendua, and Kotalipara, and this year the route marches are going on in Kartickpur, Dattakendua, and also in Chhagao. These are all in the Madaripur subdivision. You will find, Sir, that the route marches are held in those districts and villages which are politically advanced. It may be within the knowledge of many members of this House that recently a similar operation was made in one case where the curfew order existed. In one case, as it happened in Calcutta the other day, similarly, a boy was detained with medicine who went to buy it for a cholera case at his house.

The Hon'ble Sir ROBERT REID: On a point of order, Sir. Perhaps the hon'ble member is referring to some malpractices on the part of the police?

Mr. P. BANERJI: The route march was taking place; the curfew order was there; and the boy was detained the whole night with the medicine.

Mr. PRESIDENT: Detained by the police or by the troops?

Mr. P. BANERJI: By the troops.

The Hon'ble Sir ROBERT REID: I thought that he was referring to a similar case that happened in Calcutta some time ago, and so I beg your pardon, Sir.

Mr. P. BANERJI: The Hon'ble Member can inquire, Sir, for himself whether this information is right or wrong information.

Now I shall bring in other instances. There is the well-known case of Kali Mohan Chakravarti, who also was similarly treated by the military. You can imagine how the villagers are treated wherever the military go. They certainly do not go to these villages to do any duty, because there is no fighting going on there. So, why are the military sent there? They are simply going there on a picnic. Therefore, these materials the [illegible] to which I have already alluded must be found by the people, and our grievance is that the persons who make these arrangements—from the chowkidar and the president-panchayet right up to the circle officer—by force take away these foodstuffs and also collect subscriptions. You do not know, Sir, how much money is thus collected and spent, but our information is that they collect a good deal of money and they also make money by torturing the innocent villagers. I am sure the Hon'ble Member knows nothing of these things.

There is another thing, Sir. As I have already said these military detachments are sent by Government particularly to those villages which are politically advanced and Congress-workers there are brought forcibly before the flag and are made to salute it. Our point is that these things must be stopped at once, and if I were permitted to go into the details of things, I might say that during the Burge murder case an admission was made by a certain person appearing on behalf of the Government that the fact that the son-in-law of Kali Pada Ray of village Kuai in thana Keshabpur in the Sadar subdivision of Midnapore, on arrival at the station, was made over to the military authorities and not to the police, and also the fact that Kali Babu himself, who is a local talukdar of some importance, was also badly treated enraged the people. A statement was made on behalf of Government that by reason of that incident the people of that locality got very much excited, and, therefore, that led to the murder of Mr. Burge.

The Hon'ble Sir ROBERT REID: May I ask what Mr. Banerji's authority is for saying that Government made a statement? I do not know of any statement having been thus made to that effect.

Mr. P. BANERJI: Sir, the Hon'ble Member has misunderstood the whole thing. My point is that a witness said such a thing on behalf of Government. You inquire and you will find that it was that incident

which led to the murder of Mr. Burge. From past experience of the way in which oppression is committed in the countryside—my esteemed friend Mr. J. N. Basu knows something of this as he was with us when we paid a visit to Midnapore—in connection with our enquiry, I can say that such action on the part of the police instead of doing any good to the country will disturb peace and tranquility, and the results will be disastrous, which we shudder to think of. Therefore, I would request the Hon'ble Member that he should himself move in the matter instead of depending on the reports of the men on the spot. I am informed that the Chief Secretary himself made some inquiry into some matters in Khulna with good results. The Chief Secretary had similarly taken action in the case of Babu Amarendra Nath Chatterji in spite of the order of Mr. Griffiths, that Mr. Chatterji should not be arrested and a certain officer was sent from Calcutta to countermand the order of the District Magistrate. So, I suggest that similar steps from head-quarters should be taken so that these things may not recur. Of course, my information about these things is from the proceedings of the Legislative Assembly. It is in this way that Government should move in these matters, and not depend upon the men on the spot but find out things for themselves They will then find that things will tell a different tale from what their subordinates tell. With these words. Sir, I move my motion.

Mr. NARENDRA KUMAR BASU: Sir, I must confess that not having any knowledge, either personal or acquired, of these route marches, I was not prepared for the harrowing tale that has been unfolded by Mr. P. Banerji and which has been treated with ribald laughter from certain parts of the House. It may be that the gentlemen who took it upon themselves to smile and laugh at the instances given by Mr. Banerji thought that they were beneath contempt because their own persons were not touched. I submit, Sir, that it is not casting any reflexion on the House but casting a reflexion on the mentality of the people who are disgracing this House by such laughter, if I refer to the matter.

Mr. PRESIDENT: Order, order. One word, Mr. Basu. Would you ask yourself whether such a large number of members could laugh because they had no respect for the people who are alleged to have suffered, or was the merriment caused by something else for which Mr. Banerji was solely responsible? I think you should not form a hasty judgment.

Mr. NARENDRA KUMAR BASU: I am very sorry, Sir, you are very much more charitable than I am, but I do confess that after you had said so for the first time I was inclined to hold that that might be

the reason, but when this laughter was repeated even after you took the opportunity to ask Mr. Banerji to consider the position and you gave the cue to those members for the right sort of treatment to be meted out in this matter, when it was repeated even after that, I must say that it took my breath away.

Mr. PRESIDENT: I am afraid you are mistaken. The second instalment of laughter came when Mr. Banerji boasted, "I have many instances in my file" (laughter).

Mr. NARENDRA KUMAR BASU: However, Sir, I shall not trouble with this matter any further. But I do say that the statements made by Mr. Banerji—statements for which he makes himself responsible and which he says he makes on the authority of statements made by the alleged victims—the statements disclose a state of things which does require a strict examination and a swift remedy, if possible. As I have said already, I have no personal knowledge of this matter. But from all that one sees in the newspapers one does know that Midnapore, for some time, has not been a normal Bengal district. It is not for me to apportion praise or blame in these matters, but I do say that there is a good deal of truth in what Mr. Banerji has said, viz., that if you have things like that, reprisals are bound to follow. Let me now refer to a matter which is within my own knowledge and which happened more years ago than many in this House will remember. I refer to the first bomb case in this country—the case of Khudiram, at Muzaffarpur. I defended that man in the High Court here. And I can tell you, Sir, that the reason for the first bomb case was the flogging of three school-boys by a Chief Presidency Magistrate called Kingsford. Sir, the first murder by bomb was committed for an ordinary flogging of three school-boys. The young men of that time were all under the impression that that was a cruel punishment to give to these school-boys, and the reprisal—terrible, and "diabolical" you may call it—took the form of throwing a bomb, which was meant for Mr. Kingsford but which unfortunately hit two ladies and killed them. Then, Sir, there is that question of supplying the রসদ।

Again, Sir, I may tell the House and the Hon'ble Members on the Treasury Benches if they do not know, of something out of my own personal knowledge. Twenty-six years ago, when Lord Morley was Secretary of State for India, I had the honour of being asked to give him some notes about the police administration in Bengal. One thing I said in this connexion was: If you send out a superior police officer to the district and ask a 30-rupees sub-inspector to find his ration for which he is paid neither in full nor in part, how can you expect a sub-inspector of police to be honest? That took the Secretary of State by surprise. I had it from Sir Lawrence Jenkins, the then Chief Justice of the

Calcutta High Court, that he had enquiries made, and he found that that was not absolutely untrue! I do not mean to say that so far as the Inspector-General of Police or the Deputy Inspector-General is concerned, their rations were not being paid for by them, but that is the state of things that goes on in the country just under the nose of these European officers without of course their knowing about it and without their being able to know about it. That is the sort of thing that goes on in the country and that exasperates the people. I submit that the stories that have been narrated by Mr. Banerji do smack of a sort of revenge on the people of Midnapore for taking to the Civil Disobedience movement or for protesting against the establishment of union boards there. As Mr. Banerji has pointed out, how is it that these route marches are made necessary season after season in one particular district or in one particular part of a district. We have had enough of official reticence in Midnapore; we have had enough of banning of visits of prominent public men like Mr. J. N. Basu or Mr. Amarendra Nath Chatterji to Midnapore to find out for themselves the true state of things there. This state of hide and hush hush policy has got to cease, and I submit that if things are not in Midnapore what they are allowed to appear to be it is a shame and disgrace to Government. As regards the charge of Mr. Banerji that the members of the Treasury Benches are some times made to give replies which are not absolutely correct, and that the members of the Treasury Benches are not certainly always faithfully served by the officers on whom they rely for such information, I can personally vouch for it myself and Sir Robert Reid knows it himself. I submit that the matter of route marches is one that calls for an enquiry and I hope Government will not shelve it.

Maulvi ABUL KASEM: At the very outset I want to say that I rise to oppose Mr. Banerji's motion, and I shall begin by saying that I heard with interest his eloquent, may I say, vehement, speech in this connection. When I read it in the printed book, I thought he was going to protest against military route marches, and that I would hear something about the disadvantages of route marches. But the main complaint that was put forward by Mr. Banerji was to the effect that people were made or compelled by show of arms or by threats to salute the Union Jack. In this connection, I should like to say that there are many people in the world—millions—who do not salute the Union Jack, but those who claim to be in the British Empire must do so. To refuse to do it, even when asked to, is a direct insult to the Crown which rules over the whole of the British Empire. In that case, we may also complain, when the National Anthem is played, why should people be made to stand up and show respect to it? It is not a respect shown to a particular individual but to the British Empire itself. Everyone has a right to do so. But it cannot be said that those who refuse to salute the Union Jack and those who refuse to show respect to the

National Anthem may still be protected by the British Empire. My friend Mr. Banerji and others of his way of thinking have every right to declare independence of India, and to say that they owe no allegience to the British Government or to the British Crown. He would be perfectly justified in doing whatever he likes, and the Treasury Bench, the Viceroy, and the Governor of Bengal would also be perfectly justified in meeting their open enemy. But to say that we are within the Empire, but we will not follow the ordinary etiquette and the ordinary rules of the British Empire, will not do. Then, Sir, much has been made of the harrowing tales of sufferings of people who have been interned. I do not know the secret of the Treasury Bench, and I have never been in touch with Government, but I say that people go out to rural areas and instigate their fellow men to do things by which disorderliness and lawlessness are created in the poor countryside. It is very good for political demagogues to go about from village to village and preach things about which they know nothing. Mr. Narendra Kumar Basu has said that there are some members who are a disgrace to the House. I have been a disgrace to this House for nearly a quarter of a century, and Mr. Basu has only come here by a fluke, because other people left the field open. I admit however that I am a disgrace to the House according to his calculation. We laughed at Mr. Banerji's speech on account of its vehemence and on account of the enthusiasm shown in the matter. I object to it not on its merits but on other grounds. We are here as responsible men and in discussing the "General Administration" Budget we have to find out remedies for many evils to which "General Administration" is subject. I might say that "General Administration" has got in it as many loop-holes as a bee-hive, but the proper thing is to catch hold of these bee-hives, to protest against them, and to try to remedy them, if possible. But instead of doing that, a trivial matter like route marches takes a good slice, if I may say so, of the time allotted to us for discussion on "General Administration." It has been asked, what is the object of these route marches—is it not done to terrorise the people? I admit that a display of military forces and arms is done more or less with the idea of creating terror in the locality through which the route marches take place. Mr. Banerji has said that this is done in places which are politically advanced——(A VOICE: In order to oppress the people). I understand that these route marches were made in the district of Midnapore and in some parts of Faridpur——(A VOICE: in other places also). It may have been done in other places as well, but the question is what is the situation in Midnapore. Three District Magistrates, one after the other, have been shot at, and killed. Even now it will be a news to my friend to hear that although the post of Government Pleader or the Public Prosecutor—I do not know what it exactly is—is vacant and has been advertised for, not a single candidate has applied for it. So far as I know, Sir, there is none in Burdwan to apply for it.

Mr. NARENDRA KUMAR BASU: You may be cowardly but Burdwan is not so.

Maulvi ABUL KASEM: I may be a coward, but the situation in Midnapore is simply intolerable. But when Government take any drastic step there, we demand justice, fair-play and open-mindedness. Then, Sir, a point has been raised that if these things continue, there will be retaliation. I submit for the consideration of the House in a calm and quiet spirit that whatever is done, either military route marches or other things, is done in retaliation of what has been done by the politically advanced people to terrorise Government. You cannot live peacefully in a country, when you want to terrorise the Government, and at the same time cry halt when the Government retaliates Then, there is another matter to which I should like to refer. As a result of these murders, declarations and things like that, we are not only subjected to humiliation but to abject poverty. Look at the cost that the Government of Bengal has to meet not only for the suppression of terrorist crimes but also for other anti-Government activities. To meet such costs we have been overburdened with taxation. I know, Sir, that whenever an act of terrorism is perpetrated, everybody rises up and says, "I condemn it," but no one cares to go to the root of it. I say with a full sense of responsibility that on account of the misdirected criminal activities, of these people, we, the people of Bengal, especially of rural areas, have been subjected to all sorts of miseries on account of the heavy expenditure that Government have to incur. Every Government official, be he a District Magistrate, a Sessions Judge, a Superintendent of Police or even a Subdivisional Officer, has been given half a dozen soldiers or policemen, and our bankrupt Government has been saddled with this unnecessary expenditure. Sir, these route marches have nothing to do with individual cases, and individual offences, and my suggestion to Mr. Banerji is that if it is found that a military officer is guilty of gross misconduct, the proper course is to apply to military authorities, and everyone knows how strict military discipline and orders are. They are not officers who pass orders on the notes in files, and on the information supplied, by their subordinates.....

(After Adjournment.)

Babu JITENDRALAL BANNERJEE: But for the second part of Mr. P. Banerji's speech, I should not have felt called upon to speak at all. So far as the first part of his speech is concerned from my point of view it is all right. Mr. Banerji has dealt with specific cases and he has supported them with detailed and circumstantial evidence. Some of his allegations are so serious that the Hon'ble Member ought not to be satisfied with the *mamuli* reply supplied by his subordinates.

He ought to have a direct investigation into the incidents either personally or by responsible officers not trusting entirely to the man on the spot. One of the cases especially, that of Mr. Sridhar Jana, requires particular investigation. Mr. Jana is known to many of us. He is a man of respectability and worth and we on this side of the House are not prepared to discard the testimony of this man in an off-hand manner. The charges that he brings cannot be altogether unfounded; and these charges, if believed in, constitute a serious indictment of the local authorities and a section of the military. I say, therefore, that these charges do merit serious investigation and should not be brushed away as rhetorical exuberance of my friend, Mr. P. Banerji.

But I do not agree with Mr. Banerji when he goes out of his way to say that these route marches are meant for terrorising the people of the country, that they all intended to extort things from the people and to intimidate the countryside. I think it is a gross exaggeration to say that they are carried out for the purpose of terrorising the people; I can give an emphatic "No" to that charge. Whether Mr. Banerji's information is first-hand or not, I do not know. In any case, his experience seems to have been an unfortunate one. But my experience is absolutely first-hand and has been entirely different.

Mr. Abul Kasem was mistaken in saying that these route marches are carried out only in districts which are politically objectionable. Last year there were route marches in Nadia which is not considered to be particularly objectionable in spite of the fact that Mr. Narendra Kumar Basu comes from there. Route marches have also been carried out in the Birbhum district which is considered to be an inoffensive district.

Mr. NARENDRA KUMAR BASU: I have received excellent reports from Nadia also.

Babu JITENDRALAL BANNERJEE: I am glad that Mr. Narendra Kumar Basu joins his testimony to mine. So far as the Birbhum district is concerned, there was absolutely no case of terror, torture or *zulum*; the military produced the best impression as possible. Officers and men, all of them, universally have made friends and they went out of their way for the purpose of making themselves agreeable. Whatever things they purchased were always paid for on the nail—not extravagantly perhaps but certainly on a generous scale so much so that the people had reason to congratulate themselves on the presence of the military, even from a commercial point of view.

On the abstract question of flag-hoisting and the necessity of saluting the Union Jack, I differ from Mr. Abul Kasem. The Union Jack is the flag of the British Empire. As such it merits and will always get our respect. But at the same time I am constrained to add that the

Union Jack is certainly not the flag of the Indian people. It is quite conceivable that there are people whose self-respect may be hurt by being forced to salute the British flag. Where there is conscientious objection on that score, I do not find any reason why people should be compelled to salute the flag. In fact that is a wrong way of dealing with the business. There are hundreds, thousands of people who are ready, willing and eager to salute the flag, and Government ought to be satisfied with this large body of voluntary homage. In fact, I am told that Government are satisfied with it. Yesterday Sir Robert Reid assured us that there is no element of compulsion in the matter and I am sure in practice there was no element of compulsion in the matter. Leave these things to the voluntary homage of the people, and that voluntary homage will abundantly come forward for the purpose of saluting the flag and showing reverence to the King under whom we all live.

The Hon'ble Sir ROBERT REID: Two things which strike me about Mr. Banerji, rather his general attitude——

Babu JITENDRALAL BANNERJEE: Make a distinction, there are two Banerjis.

The Hon'ble Sir ROBERT REID: Two things as I said rather struck me about Mr. P. Banerji's speech, one was that none of the members for this terrorised and harassed district of Midnapore, none of the members in this House who represent this district have told us what their experience was in this respect. None of them have come forward to represent the grievances of Midnapore as regards these route marches. One of them is not present in this House—the member from South Rural——

Mr. P. BANERJI: They are afraid of their houses being broken to pieces. One of the members is under ban already.

The Hon'ble Sir ROBERT REID: Mr. Banerji has given an explanation but the fact remains and it seems to me to be an astonishing fact that it is left to Mr. P. Banerji who represents Diamond Harbour where not a single march has been carried out to come forward and voice these alleged grievances. And the second point that struck me was that if Mr. Banerji had the information at his disposal which he has handed out to us to-day with considerable vehemence why did he ask this question the other day. Perhaps it was to give him this opportunity of speaking——

Mr. P. BANERJI: I asked these questions and evasive answers were given.

The Hon'ble Sir ROBERT REID: Perhaps it was to give him an opportunity of telling the House that he considered my answers to be false. He said he had a paper in his hand which gave his friend's side of the picture. He showed us that document which he told us that was written by a man who had the first-hand knowledge of it and whose hand as he wrote it was being held by Mr. Banerji. I also can say that I have a document which I can place before the House but I did not hold the hand of Mr. Carter when he wrote it and it gives a version different from that of Mr. Banerji.. I have complete faith both in Mr. Carter's veracity and in his judgment. I can only say that I am completely satisfied that the man on the spot does know what he is talking about and that he has told us the truth. Mr. Banerji wanted us to repudiate the man on the spot and not to accept his words. I suppose he expects the House to accept Mr. Banerji's words and everything he said. Personally I don't.

We have a very valuable and very gratifying account from Mr. J. L. Bannerjee of his experience of route marches, of the excellent behaviour of the troops and I am quite certain and I hope this House will agree with me that in general that fully and accurately described the way in which the troops have behaved in Bengal. We have had an increased garrison in Bengal since the autumn of 1932 and during that period there have been extraordinarily few established cases of indiscipline on their part. I can only recall two at the present moment and they were adequately dealt with and their own officers did not attempt to screen the men concerned. As regards the so-called flag saluting ceremonies, as I have said before, Government have no intention of compelling anyone to salute the flag if he does not want to. These route marches are carried out in the normal course of winter training. If the troops are going to any thana or village, information is sent beforehand and prominent persons are invited to attend. They need not attend if they do not want to, and I deny that anybody is or has been pulled out of his house and taken to the parade and made to salute the flag. Much has been made of the particular incident with regard to which I answered a question a few days ago. I explained in my answer and made it perfectly clear that a certain individual acted in such a manner as to show he was being deliberately disrespectful to the flag. No soldier will stand that sort of thing, and consequently, as I freely admitted in my reply, the person in question was made to do what he should have done. But I maintain that whatever trouble he got into he asked for himself. I find it difficult to reply, in fact it is impossible to reply, to any detail of the stream of wild accusations that Mr. Banerji made to-day with regard to the conduct of the military. It is a travesty of facts to say that the troops are used to terrorise the people in the countryside. That is pure nonsense. We have had it to-day from Mr. J. L. Bannerjee that they behave extremely well and that is the report we have from numerous other districts through which they have

marched. As for the accusation that the populace are compelled to contribute for their *rasad*, to give it for nothing, that also I repudiate. Mr. N. K. Basu drew on his experience of 26 years ago to support his belief that wherever the troops go the inhabitants are made to provide them with food and lodging and other supplies for nothing. (MR. N. K. BASU: I did not say that. I said they might be true.) Well, I accept Mr. N. K. Basu's statement. I have information here with which I am satisfied, but Mr. Banerji will not be satisfied with it, that everything is paid for; and this is the point on which Mr. J. L. Banerjee supports me. If the local inhabitants of their own free will organise a tea party or the like, why should not they pay for it? That has been done on many occasions and done quite voluntarily. I would beg the House to maintain its balance of judgment in the face of allegations which Mr. P. Banerji made to-day—one-sided allegations supported by what he says is unimpeachable evidence but what I say is not evidence at all. He even dragged in the statement of some unnamed witness in the Burge murder case! Can any reasonable person be expected to accept allegations that are based on that sort of statement? He dragged in again some allegation about the arrest of Amarendra Nath Chattarji which he alleged was ordered by the District Magistrate and in regard to which he also alleged that Government had to send from here a special messenger to stop it. That is untrue. That is the sort of thing on which Mr. Banerji asks this House to believe his statement. If I were satisfied that there were real grounds for enquiring into his allegations, I would do so, but I have already satisfied myself on the evidence of responsible officers—the officers on the spot are responsible officers—that the answers which I gave on a previous occasion in answer to a question are correct, and if those answers are to be accepted as correct—and I do accept them as correct—there is no ground for a further enquiry. I wish to repudiate once more these gross misstatements as to the conduct of the troops. The Army were good enough to send extra troops to Bengal in 1932 when we sorely needed the extra help and force that we required. They gladly send these extra men and we ought to be grateful to them that we got them instead of making allegations against their behaviour on the flimsiest possible grounds. I beg, Sir, to oppose the motion.

The motion was then put and lost.

Mr. H. S. SUHRAWARDY: I beg to move that the demand of Rs. 64,000 under the head "22G—Ministers—Pay of Minister for Local Self-Government" be reduced by Rs. 100.

Mr. President, Sir, I hope that by this debate I shall be able to provide the Council and the Government with some matters which they will not consider to be hardy annuals and unworthy of their notice. By this motion I intend to raise a discussion on the conditions prevailing in the Calcutta Corporation, particularly in the matter of Moslem

appointments. Let us visualise the city of Calcutta as it is legally In 1923 an Act was passed making it an autonomous body. Under the Act Government appropriated to itself no power of supervision or of interference worth the name. We expected that the city being the second city in the British Empire in point of population, the affairs of the city would be conducted in a manner befitting its importance.

Mr. PRESIDENT: Are you prepared to move also the other motions that stand in your name under this head?

Mr. H. S. SUHRAWARDY: I am prepared to move the next motion along with the present one, but I am not prepared to move the other one which I should like to do on a subsequent occasion.

So, I also move that the demand of Rs. 64,000 under the head "22G —Ministers—Pay of Minister for Local Self-Government" be reduced by Rs. 100 (appointment of a Committee to enquire into the affairs of the Calcutta Corporation).

Unfortunately the results have falsified our hopes. The amount of correspondence that has appeared recently in the papers regarding the administration of the Calcutta Corporation makes it clear that there is a large volume of opinion that is against the present administration. I shall try and take just a few of those items which struck us as being of sufficient importance for discussion. The expenses of the administration are increasing daily. The income of the Corporation is about 4 crores a year—nearly one-third of the income of the whole of Bengal. The administration is top-heavy and the Corporation is hard put to balance its budget or to have a sufficient reserve for the purpose of raising those necessary loans which every city has to raise for works of general utility. In spite of this or rather on account of this in order to meet its expenditure the annual valuation is increasing. We know that there are houses that are lying vacant, rents have gone down considerably and yet whenever there is a revision in the valution, the taxes are doubled automatically. The unfortunate tax-payers have then to dance attendance on the 1st Deputy Executive Officer and after some time they get a hearing. They may succeed to get some sort of reduction, but that reduction is extremely unsatisfactory from their point of view. They have got a remedy, if they go to the Small Causes Court, but that remedy is scarcely sought, and every one knows that one hardly gets any remedy there. Although we are not getting our rents, although those who desire to sell their properties feel that every day the valuation is decreasing, still for the purpose of taxation the Calcutta Corporation puts on a valuation entirely unjustified by conditions. Another point which I wish to make is with regard to our drinking water. Several years ago a

scheme which was known as the Bateman-Moore scheme was launched upon and I believe nearly 4 crores of rupees were spent on that scheme. Two very eminent engineers came out and put forward the scheme.

(At this stage the President left the chamber and the Chair was taken by the Deputy President.)

The engines at the Palta intake were enlarged; the settling tank was enlarged and is now transformed into a wonderful lake; the filter beds have been increased; the engine to pump water from Palta to Tala has also been increased. At Tala there is a magnificent overhead tank for sending water to Calcutta, and I believe five new water pipes were laid to send water down straight from Palta to the various parts of the city. But the result is that we are getting far less water than we were getting before this innovation was launched, and speaking from personal experience, while, formerly, I could get water at the taps between the hours of 5 and 10 in the morning, I cannot now get it except between the hours of 5 and 5-45 in the morning. This is the result, Sir, of the four crores of rupees that have been spent on the supply of drinking-water in Calcutta. I really do not know what it is due to. It is possible that the key may be found in the representation that was made by the employees at the Palta water-works to the Calcutta Corporation, when they suggested that, owing to corruption among the lower staff and bribery among the contractors, the work was not being properly done. It is possible that its solution may be found in the contracts that have been let out to persons who have laid down the pipes so badly that proper pressure is not being maintained. Only a short time ago, there was a scare in Calcutta regarding the pollution of drinking-water. The matter was discussed threadbare and committees were appointed to consider it. We got reports of various kinds and of doubtful value. We really do not know whether water is so polluted that Government should take action in respect of it or not, but what we do know is that a large number of water-drinkers suffer from various diseases owing to the pollution of water if they drink it without boiling.

Then, Sir, another pest, viz., the mosquito has been increasing in Calcutta—both in size as well as in number. Where do they come from? Do they come from the Bidyadhari, or from the Mayna *khal*, or from the various tanneries outside Calcutta near No. 4 bridge? It is said that the tanneries are responsible for the increase of mosquitos; if they are, why is it that the Corporation is unable to take any action whatever in respect of them? There is also a recurring scare in Calcutta, from time to time, relating to the scavengers. They threaten strikes every moment. The union represented that they were not being paid in time. A committee was appointed to deal with this matter, and I believe their dues were paid up; but their housing and living arrangements are so wretched that any employer should be

ashamed of housing them in such a fashion. Obviously, if the Corporation employs labourers in such numbers, it is its duty to step in and look after their welfare. Here, on one side there is no increase of pay for these scavengers, and there are no facilities whatsoever in order to make their lives a little more bearable, while on the other side we were astounded to see the other day that the Corporation actually decided that the pay of its superior officers should be increased. This shows, Sir, an absolute want of responsibility in the members of the Corporation which requires a thorough investigation.

The Government auditor's report—and I am quoting from the Bengal Administration Report—reveals that, annually, the arrears of taxation are increasing; also that licences are not collected properly by the Licence Department. I am told that this is a normal feature with all the autonomous bodies in Bengal. If it is so, it is most regrettable; but that it should be so in Calcutta is far more regrettable where we expect a better sense of responsibility and civics than one would expect to find in the *mufassal*. We find from the same report that the audit report for 1929-30 has not yet been disposed of, and that no consideration has been paid to the subsequent audit reports. Apparently, the Corporation can afford to defy even Government audit reports, because it knows that there is no power in Government to supervise its work. Surely, the time has come when Government should introduce a Bill by which it will secure to itself sufficient powers to look more closely into the administration of the Corporation, interfere, if necessary, with the appointment of committees, and inquire, if necessary, into its affairs, and even supersede it, if necessary, if members of the Corporation are unable to cultivate that sense of responsibility which, it is expected, they should cultivate.

Then, take the case of *bustees*, which affect us to a very large extent. I am now speaking, Sir, if I may, as a Muslim representative of Calcutta. We find that the *bustees* are in such a terribly insanitary condition that hardly anything is done to improve them. When it rains, water collects in them, as I suppose it does in other parts of Calcutta also. But it enters into their houses, and if thereafter we find the people a prey to many epidemics such as cholera, small-pox, or other diseases, is it to be wondered at all? Surely, we can hold the Corporation responsible for the deaths of these unfortunate people.

Before I come to the question of communal appointments which I desire to raise by this debate, I would like to say one word regarding the filling of posts in general. The posts in the Calcutta Corporation are divided into two grades: one grade is at the disposal of the Chief Executive Officer and the other is at the disposal of a Services Committee. The life of the poor Chief Executive Officer who has to appoint to the smaller posts is rendered miserable by the pestering

of the 96 Councillors at whose beck and call he is supposed to act. And what you find is that for months, as long as the pressure remains on him, the posts are not filled; when the pressure relaxes and the Chief Executive Officer finds breathing space for some time, then the posts are filled. It hardly does any credit to the sense of responsibility of the Councillors of the Calcutta Corporation to allow themselves to interfere in this important matter which is at the discretion of their Chief Executive Officer. The result of such interference is that persons are appointed who are absolutely unworthy of the posts they occupy.

[At this stage the Hon'ble President vacated the Chair, which was taken by Mr. Deputy President.]

Sir, the matter of Muslim appointments has a history. When the Corporation was not an autonomous body, viz., when it was administered by the members of the Indian Civil Service, no attention was paid whatsoever to Muhammadan appointments; obviously because it was outside the pale of public opinion. As a matter of fact, when attempts were made to request these officers to appoint more Muhammadans, the invariable answer given was that they did not desire to dislocate the work of the Corporation by appointing more Muhammadans, because as soon as a Muhammadan was appointed in the Corporation, there was immediately a clique formed against him from among the Hindus, and the work was dislocated. After the introduction of the present Act and the capture of the Corporation by the Swarajists or by the Congress Party, led by no less a figure than the late Deshbandhu Chittaranjan Das, to whose memory we all pay our tribute of respect, a policy was laid down for a greater participation by the Muslims in the services of the Corporation, and a number of appointments was given to the Muhammadans. For some time, this policy was maintained; but later on, particularly since the introduction of joint electorate, viz., since the last three years, there has been such a definite set-back in this regard that, practically it is impossible now for Muhammadans to get appointments in the Corporation. Sir, figures were asked for and figures were given, but these figures were all fallacious. In the first place, in order to show the disparity, the appointments given to Muhammadans in the Primary Education Department, which did not exist before 1923, were added on to those figures to show that there had been a larger number of Muhammadan appointments. Secondly, all the temporary appointments and appointments in the temporary departments, like the Election Department, were also added on to make up faked figures, showing that there was a large number of Muhammadans in the service of the Corporation. Actually, however, the appointments have not been so numerous as the figures would show. For some time, there has been pressure put on the Corporation by the Muslim Councillors that more appointments should be given to Muhammadans. Committees were

appointed to consider this question, and I can give you the story of one committee, which is this, that within three years it could sit only once! Matters, however, came to a head recently, when all the Muslim members of the Corporation combined together to table a resolution to the effect that appointments should be on the basis of population and they also made certain recommendations with regard to promotion. Knowing full well that the Muslim voice in the Corporation is, necessarily, feeble and will be borne down by the majority of the Hindu Councillors, they accepted a committee to look into this matter in the hope that by this committee the matter would not be shelved, at any rate, that true facts and figures would be obtained. This was done at an informal conference. When the matter came up for discussion, as all of us well know, the whole resolution was ridiculed out of the Corporation, and attempts were made to appoint committees with the sole object of making them infructuous. The Muslim members had no other alternative after the insult which they suffered on that day but to resign their seats. The Muslim public in Calcutta supported them in their conduct, and meetings were held, very largely attended by the Muslim citizens of Calcutta, in which resolutions were passed to the effect that they would have nothing whatsover to do with the forthcoming elections unless this matter was remedied. In the mean time, as we were most anxious that the matter should be settled and that a better feeling should prevail between the people in Calcutta—Muslims and Hindus—we met together on several occasions for the purpose of drafting a resolution which might be acceptable to both the communities. Several meetings were held and several resolutions were put forward from time to time, but, unfortunately, although the Muhammadans accepted them, they were turned down on the Hindu side. Ultimately, a resolution, which did not carry matters any further at all, but which stated that Muhammadans would get their due share in the Corporation, was tabled before the Corporation for the 24th February last. All of us know, Sir, how that resolution was treated. The Hindu Councillors of the Calcutta Corporation remained in their club, but refused to hold the meeting, and the meeting failed for want of a quorum. The attitude which they took up was that they did not desire to come to any terms at all with the Muslims and that they had no desire to pass a resolution such as that, because, in their opinion, it was really not necessary, as the Muslims would have to come back on their terms and there was no reason whatsover for doing any justice to them. After this gross insult the Muslims had no other alternative but to decide that they would have nothing whatsoever to do with the elections, and to see that the elections were not contested. On the 25th, most of the sitting Councillors kept out of the Corporation. Some of them seeing that others coming from the *mufassal*, others who had no stake whatsoever in Calcutta, others who had no homes even of their own, were filing

nomination papers filed their own papers in order to see that the seats did not go to such persons. In many cases, however, it was not anticipated that these persons would consider this an opportune moment for getting into the Corporation, and for realising the dream of their ambition which they would not otherwise have been able to realise. The result was that a number of nomination papers were filed. Before the scrutiny, however, most of them were withdrawn which shows that the public in Calcutta were against these elections. I do not refer obviously to those who considered this a very opportune moment of filling the seats which they could never have done. I do not also refer to those who think it very laudable to flout public opinion and who had not that respect either for public opinion or for their own selves to withdraw the nomination papers. Unfortunately, however, these withdrawal papers were addressed to the returning officers of the various constituencies. It was thought that the returning officer was the proper person to whom such papers should have been addressed, because he was the person who received the nomination papers, but the flaw was discovered on the last date that the withdrawal papers should have been addressed to the Chief Executive Officer and not to the returning officers, and consequently none of the withdrawal papers were declared to be valid. Many of them did not even deposit their security money, but those who had done so previously, were returned uncontested very much to their surprise. Most of these persons, however, have resigned from the seats to which they were declared elected.

Babu JITENDRALAL BANNERJEE: On a point of order, Sir. How is this interesting story relevant to the question of the Ministry of Local Self-Government.

Mr. DEPUTY PRESIDENT: He refers to the condition that is prevailing in the Calcutta Corporation and is, therefore, in order.

Babu JITENDRALAL BANNERJEE: He is referring to the conduct of certain would-be candidates, and that is a different matter altogether. How is this very interesting story relevant to the point we are now discussing?

Mr. DEPUTY PRESIDENT: He is referring to the state of affairs in the Calcutta Corporation which, he thinks, should be brought to the notice of the Hon'ble Minister. I think he is in order.

Mr. H. S. SUHRAWARDY: If Mr. Bannerjee had waited for half a minute more, he would have seen what I was driving at—

Babu JITENDRALAL BANNERJEE: We have waited for 20 minutes in vain.

Mr. H. S. SUHRAWARDY: I was just going to say that the Ministry of Local Self-Government as well as the Government should, therefore, realise the present condition of affairs in the Calcutta elections and in the Calcutta Corporation. Owing to the maladministration of the Calcutta Corporation, owing to the fact that the Calcutta Corporation is not prepared to do justice to the Muslims, the Muslims as a whole have boycotted the Calcutta Corporation. Do you desire that the Calcutta Corporation should continue in this manner against the wishes of such a large section of the public? If there is anybody who says that the Muslims as a whole have not boycotted it, they are entirely mistaken. I can take you one by one to those who are still sticking to their seats; for instance, one gentleman who is sticking to his seat has got a certain address at which he is absolutely untraceable: another gentleman has got a vote by fabricating a rent receipt——

Mr. K. C. RAY CHOWDHURY: What authority has the member to say that it was a fabrication?

Mr. H. S. SUHRAWARDY: He procured a rent receipt for which he never paid anything——

Mr. DEPUTY PRESIDENT: I do not think, Mr. Suhrawardy, that you can say that it was a fabrication, when the person has been declared a qualified voter.

Mr. H. S. SUHRAWARDY: Alright, Sir. As such, he is qualified to stand and to be returned elected, but it is persons of this type who are still sticking to their seats. Then there are some persons who say that they are entirely under the control of the Hindus. They have taken money from the Hindus, and they cannot afford to displease them. This is the result of joint electorate. As regards that question of joint *versus* separate electorate, I propose to take up that matter in the next motion——

Babu JITENDRALAL BANNERJEE: On a point of information, Sir. Has not the member reached his time-limit?

Mr. DEPUTY PRESIDENT: The practice is to allow 30 minutes to the mover of a motion, and, as such, he has not yet reached his time-limit.

Mr. H. S. SUHRAWARDY: The system of joint electorate has driven us to this pass that to-day a very large section of the population of Calcutta is against this Corporation and desires to have nothing to do with it. If those who have been questioning my statements

as also the gentleman behind who has been interrupting me had been in any of the meetings of the Muslims of Calcutta held either at the foot of the Octerlony Monument or in other quarters, they would not have done so. If such a person remains within his room and looks to what we consider as communally minded papers for his information, then of course he would not be able to ascertain what the true state of affairs is. On the other hand, if he goes out and meets the Muslims of Calcutta, he will be able to judge what their real views are on the subject. They have no desire now to participate in the administration of the Calcutta Corporation unless this is rectified. I ask, is the Government prepared to do anything or not? Is Government prepared to take note of the widespread discontent that prevails amongst the Muslims? Is it going to say that the Corporation is an autonomous body over which we have no control, that it is not our look-out to see whether the majority in that body oppresses the minority or not and whether they give them their fair share or not? I submit that Government is not a body that can divest itself of its powers, because the ultimate responsibility is not upon the Corporation but upon the Government of which the Corporation is merely a part. The ultimate responsibility of anything that may take place here is on the Government. If the Corporation does not do justice to the Muslims, and if the Government realises that it is so, and if a large number of a section of the people proclaim that they have been treated in a niggardly and shabby manner by the Corporation, then surely it is time for Government to take note of it. And I ask the Government if it has not in its power to appoint a Committee of Enquiry at this stage to do something, either to promote a better harmony between the Hindus and Muslims of Calcutta or to bring about a solution of the situation, and to vest itself with powers which may authorise it to interfere in the maladministration of the Corporation.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I rise early to say a few words as to what I feel on this motion of Mr. Suhrawardy. I am afraid Mr. Suhrawardy has not been able to take the advantage of his position here to give a true account of what is now going on in the Calcutta Corporation. I find that the main purpose of his bringing this resolution is the question of Muslim appointment, but he began by referring to the various other conditions prevailing in the Calcutta Corporation. That was a secondary object he had in view, and that has very little to do with his primary object of ventilating the grievances about Muslim appointments. I am surprised to find that Mr. Suhrawardy has managed to forget many important things about the Corporation which he must have learnt during the years 1923-26 when he was no lesser a person than its Deputy Mayor. Not only that, Sir, he was the right hand man of Mr. C. R. Das whose name he conjures up——

Babu JITENDRALAL BANNERJEE: He takes that name in vain.

Rai Bahadur Dr. HARIDHAN DUTT: What was the result of his connection with the Corporation for three years? I was then in the Corporation having some authority and power. Mr. Suhrawardy was the next man in power and influence to Mr. C. R. Das in the Corporation. May I ask, what was the result of that? It was disappointing to find that a man like Mr. Suhrawardy could not help his community even from the position in which he was placed at that time. I would point out to Mr. Suhrawardy that through Sir Surendra Nath Banerjea the Muhammadan community has got a grand thing in their favour in the Corporation. In the Calcutta Corporation of our times, that is, before 1924, we had two or three Muhammadan members only but subsequently they were given 15 seats. Then there were two nominated Muhammadan Councillors every year, if not more than two —and that gave them 17 or 18 seats in the Corporation. The Calcutta Corporation is divided into three different interests, namely, the Hindu, the Muhammadan and the Christian or the European, as I would call it. I am ignoring the smaller minorities, and I hope their representatives will pardon me for doing so. Amongst these three groups, the trump card was in the hands of the Muhammadans. If those 17 or 18 Muhammadan gentlemen with Mr. Suhrawardy as their leader and Deputy Mayor could stand as a solid block, I am perfectly certain that no grievances of that community would have gone unheeded. It is true that the Hindus predominate in the Calcutta Corporation, but the European element is always anxious to help the Muhammadans and to see that justice is done to them. If the Muhammadans could unite with the Europeans and the other minorities, the Hindu majority would not have been of such a nature as not to pay any attention to the grievances of the minorities. But, Sir, the Muhammadans lost their chance. They quarrelled amongst themselves. My friend, Mr. Suhrawardy, went over to the Congress while some of the others went over to the opposite side, and they could never act in unison or follow one principle. If my friend, Mr. Suhrawardy or failing him some other able Muhammadan leaders, could lead the 17 Muhammadan Councillors in the Corporation, then during the last 12 years wonderful results could have been achieved. I remember how these members of Muhammadan community were courted by everybody who wanted to have something from the Corporation as his whole chance lay in courting Muhammadans. If any one aspired to be a Mayor, Deputy Mayor, he would have to court the Muhammadan first. Nobody can gainsay that. I am perfectly sure that my friend Mr. Suhrawardy cannot gainsay that. If anybody wanted majority vote of the Corporation, he

would turn his eyes first to the Muhammadan group and if the Muhammadans gave him hope then and then only his chance of being successful could at all be expected. That was one of the important things which Sir Surendra Nath Banerjea gave to the Muhammadans but they have neglected it and mismanaged the whole thing. My friend Mr. Suhrawardy passed an indictment against the Corporation. May I ask him what has the new Corporation done within the last 12 years where the Muhammadans have now so many numbers of their community? Within these 15 years expenditure has increased, taxes and valuation have increased and so on and so on as Mr. Suhrawardy has said. Why cannot these gentlemen do the right thing by curbing the Corporation in all that they are doing by a systematic conjoint action?

Mr. H. S. SUHRAWARDY: They have no power.

Rai Bahadur Dr. HARIDHAN DUTT: No Sir, that is not a fact. But I am surprised to find that the Muhammadan group have got three divisions; one is the Congress group and the second is an independent group and the third is another group which often changes its colour. The result is that there is no combination among them and they have not been able to make any useful work or create any impression anywhere. That is the real state of affairs—at least I read it so. Then, Sir Surendra Nath Banerjea's wise decision providing for a joint electorate after a length of time was a step which I cannot but admire.

Mr. DEPUTY PRESIDENT: Order, order. That is not the specific case before us now.

Rai Bahadur Dr. HARIDHAN DUTT: Mr. Suhrawardy has referred to that and I must answer his points. He wants the joint electorate to go, and asks for separate electorate for Muhammadans in Calcutta.

Mr. DEPUTY PRESIDENT: You can refer to it later on.

Rai Bahadur Dr. HARIDHAN DUTT: In any case Sir Surendra Nath Banerjea was particularly wise in suggesting joint electorate for this city. Joint electorate may not be advantageous to the Muhammadans in the Council, but not so in the Calcutta Corporation, Sir. I represented certain ward in the Corporation and I know how much I had to depend upon my Muhammadan voters for my return to the Corporation.

Mr. H. S. SUHRAWARDY: I should like him to speak on that when I move my motion No. 240.

Mr. DEPUTY PRESIDENT: That is not before us at present.

Rai Bahadur Dr. HARIDHAN DUTT: I do not want to go into details but I want to tell one thing. I particularly advise the Muhammadan ratepayers of Calcutta to be satisfied with what they have got and depend upon their efficient working and take advantage of what they have got at present under the joint electorate. From this joint electorate they can easily have more control over the Hindu Councillors of the Corporation. They seem to have forgotten that the Hindu Councillors are not appointed by Hindus alone but by the Muhammadans living in the city also and the votes of the Muhammadan electors cannot be ignored.

Mr. H. S. SUHRAWARDY: On a point of order, Sir. In spite of your ruling my friend is going on talking about joint electorate. If, however, he desires or you desire that I should move that motion so that he may speak on it. I am quite prepared to do it.

Rai Bahadur Dr. HARIDHAN DUTT: I shall not be surprised at the point of order being raised by others but I am surprised to find Mr. Suhrawardy raising that point of order. But what is now going on in the city? I find that the Muhammadans have advised their co-religionists to desist from the Corporation altogether, to non-co-operate, if I may call it so and I am very much surprised to find that non-co-operation has permeated amongst the Muhammadans. But is it a proper thing? Are the Muhammadans rightly advised to ask their colleagues to give up their connections with the Calcutta Corporation? Where would they be as the result of this? In 1924 there were only 3 Muhammadans; they have now 17 or 18. If they non-co-operate now perhaps there will be no Muhammadans in the Corporation or only few. Whether that is a right thing for them to try to do is the question. I for one think that my Muhammadan friends will be well advised not to attempt such a thing and they should withdraw from non-co-operation. As the result of non-co-operation you are likely to lose much. Unless you make the best use of what I call the trump card in your hand and work in co-operation with your other interests in the Corporation and win that which stand against your interests the chances of the Muhammadans securing what they want are very remote. So I would advise my Muhammadan friends to go back to the Corporation and work there intelligently and sincerely and you will find other elements will come to your help. One thing more, during the last 12 years there was a Mayor and also a Deputy Mayor; for many years you had a Muhammadan Deputy Mayor. (A VOICE: Deputy Mayor is nothing.) I am coming to that. This year a Muhammadan Mayor had been elected and the Hindus have accepted

Mr. Fazlul Huq as their head. I think that the Deputy Mayor's post is also very important and that gentleman gets ample opportunities for doing good. Why cannot the Muhammadans assert themselves and the Muhammadan Deputy Mayors more helpful to the Muhammadan community? Again, Sir, in our days before 1924 we had a Chairman who was an Englishman and everybody else as well as the high officials were Hindus. From 1924 up till now you have got a Muhammadan Deputy Executive Officer, then you have subsequently among the health officers a Muhammadan as District Health Officer. In the Engineering Department you have now two Muhammadan Engineers. If you want the majority of the Corporation and the majority of superior posts to come to you at once I fear your expectations will not be realised. You ought not to forget that unless an officer dies or retires there cannot be any vacancy and unless a vacancy occurs there is no chance of a new man coming. The Muhammadans must have patience while insisting upon their share being given to them. I think the Muhammadans should do that. At the same time I suggest to them that they ought not to grow impatient and not to be hasty or come to such a conclusion which they have come to, namely, to boycott the Corporation. I cannot on the other hand advise Government to take any drastic step against the Corporation. For 12 years they were making an experiment; it is not yet time to come to any decision to undo the Corporation or to take any drastic step; that can never be popular and unless you do something which is in keeping with the public opinion Government will come into ridicule or perhaps court more unpopularity. Any advice to discard the Corporation simply on the complaint of the Muhammadans seems to be rather unwise.

Maulvi ABUL KASEM: I rise at this stage of the debate because I am in a hurry to go home. My friend Mr. Suhrawardy began his speech and in his own inimitable style enumerated the shortcomings of the administration of the Calcutta Corporation. He has tabled three motions in connection with the Calcutta Corporation, I wish he joined all the three together. Speaking for myself I consider it an act of sacrilege to condemn a piece of legislation, one among many for which my political guru was responsible and I am sure the ashes of Sir Surendra Nath Banerjee must be shuddering now when he sees the result of his life-cherished ideas and life-long labour. My friend Dr. Haridhan Dutt has said that this Act is now 12 years old and still there is time. But during the 12 years of its operation what is the result? The citizens of Calcutta have become tired although they may not show their resentment at the action of the present Corporation. But at present they are doing it. It is not only the Mussalmans who are boycotting the Corporation, but there are also others who have been aggrieved. The result is that in the City of Calcutta there are 4 or 5

organisations—The Citizens Welfare League, The Rate-payers' Association and things like that, and small pamphlets are published by them from time to time showing the shortcomings of the Corporation and therefore I make bold to join hands with Mr. Sahid Suhrawardy.

There is some misunderstanding about our attitude, I mean the attitude of the Mussalmans in the Corporation and outside. It is said that the Mussalmans are up in arms against the Corporation because they are denied a certain number of appointments in the Corporation. I deny that charge. In the first place, taking the Corporation and Government together scarcely 2 per cent. of the people live by service, so if the Mussalmans can afford to feed and clothe the 98 per cent. of the population I think they can as well do that for the other 2 per cent. What we really want is that both in the Government and in the Corporation a legitimate share of the appointments should be given to us. We have failed to get that in the Corporation and for want of Muhammadan officers and Muhammadan employees we have to suffer irreparable losses. Mr. Suhrawardy said that the conservancy arrangements for the bustees are very bad. If you go to the different sides of Calcutta and to the slumps and bustees of Calcutta, the bustees which are mostly inhabited by Mussalmans and the poorer classes, you will find that they are absolutely neglected and the water-supply, scanty. It has been said that they have appointed a Deputy Chief Executive Officer or whatever he is called. You will find that although they have given some appointments to the Muhammadans they have done great injustice to the community as a whole because they appoint men who like certain musical instruments will repeat their masters' voice——

Mr. NARENDRA KUMAR BASU: On a point of order, Sir. Can the hon'ble member attack the honesty and integrity of the officers who are not here to defend themselves?

Maulvi ABUL KASEM: Those men may not be here but their friends are here.

Mr. NARENDRA KUMAR BASU: Sir, I want your ruling.

Maulvi ABUL KASEM: I want to make a general observation about Mussalman officers.

Mr. DEPUTY PRESIDENT: I think he is quite alright.

Maulvi ABUL KASEM: It has been said by Rai Bahadur Dr. Haridhan Dutt that Sir Surendra Nath Banerjea foresaw this and had an Act passed but the Mussalmans did not know how to deal with the Congress and its activities and he particularly charged Mr. Suhrawardy

that he had neglected his duty. I would just ask Rai Bahadur Dr. Haridhan Dutt to refresh his memory to remind him that only during the first years of the present Corporation the Mussalmans in a body and the European members of the Corporation along with the nominated members met together and selected a man for the Mayorship, but they could not get him elected owing to the overwhelming majority of the Hindus. As soon as the Hindu Commissioners found that these Mussalmans and Europeans were combined together they closed their ranks (they were fighting amongst themselves) and voted in a body against that man. Why should the Hindus of Calcutta and the Hindu members of the Corporation have anything to do with the Muhammadans. So they were quite right there, but to say that the Muhammadans have a division in their camp is wrong. I again say that the Mayor and the Deputy Mayor are mere figureheads. Unless the Mayor has got a large support and a combined support behind him, he is absolutely helpless. I have not been able to understand why this motion has been admitted and put against the salary of the Minister of Local Self-Government, because, as Mr. Suhrawardy has himself said, the Government have no control over the Corporation. But I am glad that it has been admitted by the President, because it has given us an opportunity to discuss the affairs of the Calcutta Corporation. What I say is that the Minister is responsible only for not responding to the Moslem feeling and their views and for not introducing a piece of legislation. Therein lies his neglect: otherwise he is as much responsible for the action of the Calcutta Corporation as any of us here. I submit that there were certain persons who were to some extent responsible for the action of the Calcutta Corporation not in their official capacity but in their non-official capacity. One of them is the Hon'ble Minister himself and the other is Mr. Surendra Nath Mullick who was for some time Chairman of the Corporation. I have the authority of Mr. S. N. Mullick to submit that both he and I feel that a great wrong has been done to the City of Calcutta. My friend Mr. Suhrawardy says that the Local Self-Government Department should do something for the welfare of the citizens of Calcutta, but I would add to it that Government should do something which would enable them to bring about a better administration in the Corporation for the welfare of the citizens of Calcutta. The citizens of Calcutta, Hindus, Moslems or anybody else, are subjected to an absolute wrong. It is not unknown to my friend Mr. Narendra Kumar Basu that all Congress affairs are decided in a private house in the Wellington Street and not in the Corporation. Congress nominations are made to the Corporation from there and the poor citizens of Calcutta are duped. Nobody dares to question it. Attempts are now being made to stop it and I hope at the next election it will be successful. This matter of the absence of the Moslems from the Corporation is a serious one and the Government ought to take notice of it. In the case of an emergency Government could take

steps and introduce a measure just as they did in the case of the Ghee Act when the members of the Council were summoned by telegrams to come and the Ghee Act was passed. The emergency then was that the Marwaris wanted to make a huge profit through the process of adulteration, and therefore the members were summoned from their home at a day's notice to come and pass the Act. Why not the present Ministry of Local Self-Government should without summoning the members try to extend the sitting of the Council and introduce some measure in which some sort of control would be exercised over the administration of the Calcutta Corporation? I know that the Treasury Benches are powerless in this matter, although they have felt the necessity of it, as the Corporation is an autonomous body. I think in view of the boycott of the Corporation by the Moslems a situation has been created to meet which you can very well call for an urgent legislation. Therefore, I appeal to the Minister of Local Self-Government to take courage in both hands and to do something for the welfare of the citizens of Calcutta, and I think not only the Moslems but all the residents of Calcutta will always bless him for that. Mr. Suhrawardy has referred to the boycott of the Corporation by the Moslems. Nobody can deny that the boycott has been most successful, although it is true that several Muhammadans have since rejoined the Corporation. Nobody ever expected that so many people of Calcutta with one voice could boycott an institution like the Corporation. Boycotts have been systematically, periodically and occasionally proclaimed by the people of whom my friend Mr. Narendra Kumar Basu is a representative. But as regards the present boycott, it has been declared in the press that it has been most successful. Had there been not a single student in the Government colleges or had there been not a single examinee appearing in the University Examinations or had there been not a single pleader appearing in the law courts, the boycott would have been declared by my friends to have been most successful, but because we 15 Moslems in a body have kept out of the Corporation it cannot be said that the boycott has not been successful.

Mr. P. N. GUHA: Sir, the House must have listened to with good interest the catalogue of grievances of the Moslem citizens of Calcutta in connection with the administration of the Corporation, submitted before it by the first Swarajist Deputy Mayor. Mr. Suhrawardy's list is a comprehensive one but I am not here to defend the Corporation and that for the reason that I am personally of opinion that the Corporation has not been doing its work properly. Sir, it may be recalled that about three years ago I requested the Government by a series of questions to have a searching look into the affairs of the Calcutta Corporation under the Swarajist regime and in reply the Hon'ble Minister in charge of the Local Self-Government expressed a desire to appoint a committee to take the matter up. Legal difficulties, however, made the

appointment of such a committee impossible, for the Calcutta Municipal Act of 1923 has not given any power to the Local Government to appoint such a committee. I should add here incidentally that my idea was to have a committee composed of some of the officials of the Government and some prominent Councillors of the Corporation itself. In fact I consulted with some Councillors and specially the then Mayor and all of them approved of the idea for the reason that they themselves felt that something ought to be done to restore the confidence of the public which was fast disappearing. The idea did not materialise and I did not proceed further.

Sir, it is nearly two years that I have left the Calcutta Corporation and I am no longer in touch with its affairs but from all that I have been reading in the newspapers since, I do not think matters have much improved, so the time may be ripe for the citizens of Calcutta to cast a searching look into the affairs of the Corporation but, Sir, I do not think any valid case has yet been made out either by Mr. Suhrawardy or by any one of his associates, to justify the Government of Bengal to have recourse to an emergency legislation to suppress the Corporation as has been—I should say wickedly suggested by my friend Maulvi Abul Kasem.

Sir, I can assert without the least fear of contradiction that the only people who can put matters right in the Corporation, are the citizens of Calcutta. The Government is neither here nor there and every right thinking man ought to be ashamed of inviting the Government to handle the domestic affairs of the citizens who are the masters of their own house. In this connection I am glad to find that the rate-payers of Calcutta have of late begun to realise their responsibilities. The noise of election we are having day and night in Calcutta for the past few days indicates that the rate-payers are no longer willing to remain satisfied by entrusting their affairs to a set of people who have been found wanting. The gentlemen in my right (pointing to the Europeans) are pushing two of their members in the General Constituencies and that shows that the slumber of the European citizens of Calcutta has been disturbed. I hope that the people of other communities—Hindus, Moslems, Christians and Jews will also be up and doing. The situation in the Calcutta Corporation is bound to improve if the rate-payers are alert and there will never be any occasion for the Government to interfere.

Sir, Mr. Suhrawardy has made a piteous appeal to the Government to come to his rescue. It was a sight for gods and men to see the first Swarajist Deputy Mayor kneeling down in folded hands before the Treasury Bench appealing for the suppression of the first and up to now the only autonomous administrative body of India—the gift of Sir Surendra Nath Banerjea, the father of Indian nationalism. Sir, Mr. Suhrawardy has paid a just and well deserved tribute to the late

Deshbandhu Chittaranjan Das who did all he could to establish a cordial relationship between the Hindus and Mussalmans. I may tell Mr. Suhrawardy that each and every one of us, the Hindus would have cheerfully obeyed the mandate of our beloved Deshabandhu and honoured the pact that he entered into with the Moslems on our behalf, if we could, but that was made impossible by burying the pact in the grave of the *Pir* in the New Market by the mover of the present motion, the Swarajist Deputy Mayor——

Mr. H. S. SUHRAWARDY: On a point of order, Sir, that is a false statement.

Mr. P. N. GUHA: Sir, I take strong exception to the remark made by my friend. I know that his action in connection with the burial of the *Pir* greatly perturbed the feelings of the Hindus.

Mr. DEPUTY PRESIDENT: The Hon'ble Member disclaims being called a Swarajist and I think you should accept it.

Babu JITENDRALAL BANNERJEE: On a point of order, Sir. Was Mr. Suhrawardy justified in characterising the statement made by Mr. Guha as "a false statement?" Should he not withdraw it?

Mr. DEPUTY PRESIDENT: I am afraid he did not catch my ears. However, if he said that, he must withdraw it. Did you, Mr. Suhrawardy, say that?

Mr. H. S. SUHRAWARDY: Yes, Sir, I did and I withdraw it but I must say that that statement is incorrect.

Mr. P. N. GUHA: Any way, Sir, that is my impression in connection with the burial of the *Pir* and I accept the assertion of Mr. Suhrawardy that he was never a Swarajist. But, Sir, I hope he will not contradict me when I say that he was and is even now a nationalist Indian and is not it a sight for all to see a Nationalist Indian Mussalman to go to the Government and say "Save us from the tyranny of the Hindus!" These are matters about which our views are well known. We, the Hindus, have boldly proclaimed before the world our opinion about communal matters and I need not tire the patience of the House by repeating it again. All that I want to say is that the Corporation may or may not be right in connection with the disposal of some of the items of its domestic affairs but that cannot and should not justify the Government to accept a motion like this. No attention should be paid to the petulant demand of Mr. Suhrawardy and I warn the Government by saying that the acceptance of motion of this nature will inflict such a great wound to the Hindu feelings that it will lead

to an agitation which will assume a gigantic shape in no time. You cannot play with everything. The Calcutta Corporation is the first autonomous institution in India and it is the gift of one whose memory we adore to-day and will be adored till posterity. Mr. Suhrawardy has been able to make out no case for Government intervention. Sir, I wonder how we, the Hindus and Moslems of Bengal, will be in a position to work out the New Constitution which will affect the whole of the Province and people if we cannot adjust our small differences in a smaller body. Will it not be a matter of shame for us to go to Clive Street in every step and beg of the Europeans to come and adjust our differences? That would be quite undignified and unworthy of any self-respecting people (MR. SUHRAWARDY: I have never gone to Europeans for help); well that is another matter.

Sir, as to appointments of the Moslems in the Calcutta Corporation, I do not want to say much for I do not know how things are being managed now but I was one of the first batch of the members of the Services' Standing Committee when it was established some years back. If I remember aright, there were three Moslem members in the Committee and the House may take it from me that in making every appointment, we always took great care to see that the claims of the "qualified Moslems"—and I would lay special stress on the word "qualified"—were not ignored. As regards other matters in the Corporation, if I remember aright, I think there were three and sometimes four, but never less than three Moslem members in every Standing Committee and I would have challenged them if they would have said that they were always overruled. On the contrary I can assure the House that every Committee—and I was a member of many committees in rotation—took particular care to look to the claims of the minority communities, specially the Moslem community. I, therefore, very much regret that my friend, Mr. Suhrawardy, has thought it fit to come up to the Government for help on imaginary grievances.

Sir, let us now think of the claim or demand of Mr. Suhrawardy for special legislation. Why does he want it? Because the Corporation has not thought it fit to earmark a certain percentage of its appointments for the Moslem candidates. The pretext is so flimsy, the demand is so petulant that no reasonable man can give any attention to it even for a moment. As to the charge of maladministration, I have said at the outset that I do not deny it and I am not here with a brief on behalf of the Corporation. I have already suggested the remedy. The citizens of Calcutta—the rate-payers—are the only persons who should be appealed to and all corruptions and maladministration will vanish like mist as soon as the citizens began to take care to look into their domestic affairs more closely. Sir, I must make it clear that I am not in favour of communal appointments but according to the present situation in India and according to the dispensation given from above,

I will have no objection to give a certain number of appointments in the Corporation to the deserving candidates of the community of my friend, Mr. Suhrawardy.

Mr. DEPUTY PRESIDENT: Mr. Guha, we shall hear you later on as I shall have to adjourn the Council for prayers just now.

(At this stage the Council was adjourned for 15 minutes.)

(After Adjournment.)

Mr. DEPUTY PRESIDENT: Mr. Guha, will you please resume your speech?

Mr. P. N. GUHA: Sir, as I was saying, Mr. Sahid Suhrawardy has been trying to induce the Government to appoint a committee principally to secure a percentage of Corporation appointments for the Moslems and incidentally to look into the maladministration. I do not think any good case has been made out for any emergency legislation as has been suggested by Maulvi Abul Kasem who went a step further than Mr. Suhrawardy. Maulvi Abul Kasem wants the Government to present a Bill on this behalf at this very session after the budget demands are granted. I deprecate the suggestion as strongly as I can. Lastly, Mr. Suhrawardy, if he were in the normal form of his mind, would have realised that the best way for him was to make an appeal to the rate-payers of Calcutta who can certainly compel the Corporation to appoint a special committee to review the whole of its administration during these ten years. That would have been the correct procedure and it is nothing but a matter of shame for an Indian nationalist to beg of the Government to intervene.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, My friend Mr. Guha took up a very reasonable attitude when he told us in his speech that things ought not to be done very hurriedly. I am quite at one with him so far as the question of legislation is concerned. Legislation should be attempted when every other means of solving a problem has failed. I do not like to repeat what my friend Mr. Sahid Suhrawardy has so ably put before the House and what other members also have admitted. The question now is whether we should ask the Government to undertake legislation to do away with the present powers of the Calcutta Corporation. Mr. Guha frankly says that the Muhammadan community is not wrong in demanding a certain percentage of appointments in the Calcutta Corporation. Mr. Guha is a politician for whom I have great respect. I believe he is perfectly right when he says that the Calcutta Corporation should reserve a certain percentage of appointments for the Muhammadan community, but I cannot understand what is standing in the way of the Corporation

fixing a small percentage for the Muhammadan community. I believe, probably, it is the coming election that is standing in the way of their taking this step and making an announcement to that effect; otherwise, so far as I know, all the important members of the Corporation, when I talked with them, confessed that the claim of the Muhammadan community was right and just and that even the late Mr. C. R. Das admitted that there should be a certain percentage of appointments reserved for the Muhammadan community. Only the other day Mr. Santosh Kumar Basu wanted to table a similar resolution. The Hon'ble Mr. B. K. Basu and Mr. D. C. Ghosh are also of that frame of mind. But I do not know what stands in the way of their actually announcing their opinion publicly and leading every one to this correct point of view. They are the leaders of moderate opinion. There were also present at the conference some of the leaders from the Swarajist group as well. I am sorry I do not know their names, but they seemed to be very important members of that group. But they were not very anxious to give their opinion. I told them why, if they believed in the leadership of the late Mr. C. R. Das and if they believed what Mr. Das had done was a distinct guide to the Swarajists for their future action, why should they now remain behind and not be prepared to give effect to what they actually proposed to do? I cannot really understand what is actually standing in their way to come forward and state their correct views. I know that several of the distinguished leaders of moderate opinion in Calcutta are anxious to see that an amicable settlement is arrived at and it is not understood what is actually standing on the way. Cannot Government, I mean the Hon'ble Minister, do something to bring together all the different people in order to come to a definite conclusion in the matter? If humble people like us can get a lot of people to discuss and settle matters, why should not the Hon'ble Minister be able to call the different groups in his house and try to solve the problem? Why should the quarrel be allowed to continue when it can be talked off and settled in a few minutes. I heard that there was very little difference between the two parties and the Hon'ble Minister can take them into his confidence and announce that the grievances of the Moslem community will be redressed. Why should they be allowed to take the extreme measure of boycott which will bring nothing but disaster? I do not consider that the steps suggested by Mr. Suhrawardy is a desirable one and if you preach non-co-operation amongst the Muhammadan community it will not bring anything but evil. The extreme step of boycott which the Muhammadans have taken is, I think, due to a misunderstanding of each other's point of view. It is not a fact that Muhammadans are not being appointed at all. On the contrary, it is a fact that Moslems have been appointed in the Calcutta Corporation quite recently and in a very large number. I was told by the Mayor that quite a good number of Muhammadans have been appointed by the Chief Executive

Officer in the Health Department of the Corporation. I hope therefore that the Hon'ble Minister will take up the matter in his hand and not exercise his power as a Minister but privately do something to settle the matter amicably. We should not expect everything to be done by the Legislative Council. We have done it in the past and we must be able to settle the matter amongst ourselves, and it is our duty to do so.

Mr. S. M. BOSE: Sir, this is one of those rare occasions in which I can honestly and truly say that Mr. Suhrawardy has made a very sober and a very mild and studiously moderate speech. As regards motion No. 239, I believe most of what he has said as regards the bad working of the Corporation is true, but, Sir, what is the remedy? He would ask that the Government should intervene, but I should say, the remedy lies in our own hands. We the rate-payers can combine and turn out the inefficient, dishonest and worthless Councillors who are standing again. It is up to us to try to improve matters and not to go to Government to intervene in the matter. But the policy of boycott which Mr. Suhrawardy advocates, is suicidal, because if we follow the policy of boycott and non-co-operation, then we will be cutting our own throats. Sir, as I have pointed out, the Calcutta Corporation is an autonomous body, and it is not likely that Government will intervene in the matter. As regards the question of appointments, I cannot understand what Mr. Suhrawardy means by saying that the miserably small number of appointments held by Muhammadans is due to the prevailing system of joint electorate in the Calcutta Corporation. How could the 19 Councillors, if returned on a separate electorate basis instead of from the joint electorate system, have done better, is something which is beyond our comprehension. You know, Sir, that we started with 15 Muhammadan Councillors in the Act originally; this came down to 13 when the Garden Reach area was taken away, and now we have 19 Muhammadan Councillors under Act XX of 1932. Maulvi Abul Kasem has spoken of external influence, and I quite agree that external influence, whether it proceeds from the Wellington Street or from the Wellesley Square, is equally bad. I would ask Mr. Suhrawardy to try to persuade his fellow countrymen to combine and improve matters in the Calcutta Corporation instead of pursuing the futile policy of boycott.

Maulvi ABUL QUASEM: I shall only refer to the warning which was uttered with all the gusto and strength of lungs which would have done credit to a youngman by Mr. P. N. Guha. He uttered a warning that if Government dared to touch the Calcutta Corporation, there would arise such an agitation that Government would have to regret their action. I want to utter a counter-warning: that if Government

does not dare to go into the condition of affairs in the Calcutta Corporation, and take steps to see that legitimate Muslim interests are properly safeguarded, there would arise such an agitation that it would overwhelm everybody, especially Mr. P. N. Guha and men of his way of thinking.

Mr. Guha bore testimony that he was a very influential member of many of the Committees of the Corporation where meticulous attention and care was given to the case of every qualified Muslim candidate. He uttered the word "qualified" with an emphasis as though Muslims were trying to get only unqualified candidates appointed to posts in the Corporation. Then may I ask—what is the uniform standard qualification laid down? Who has laid it down? How is the standard being adhered to? Sir, I voice universal Muslim sentiment when I say that Muslims have been most unfairly and shabbily treated in the Corporation.

(At this stage, the time-limit for "22—General Administration" was reached.)

Both the motions of Mr. H. S. Suhrawardy were put and lost.

The original demand was then put and agreed to.

24—Administration of Justice.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 73,40,000 be granted for expenditure under the head "24—Administration of Justice."

Mr. MUKUNDA BEHARY MULLICK: I beg to move that the demand of Rs. 69,000 under the head "24A—High Court—Original Side—Registrar" be reduced by Rs. 100.

Sir, I rise to move this cut motion only to raise a protest against granting extension of service to some of the assistants on the Original Side of the High Court. There are definite rules for the appointment of assistants in the various departments of Government. One of the rules lays down the age-limit of such assistants, that is, up to what particular age an assistant can be appointed. There is similarly an age limit when an officer has to retire from Government service. As far as I am aware, Sir, usually at the age of 55 an officer has to retire from Government service, and it is only in exceptional cases that an extension of service is to be granted to an officer, and that is done only on public grounds. In the High Court, however, that exception has become the general rule from the highest to the lowest officer, and so far as assistants on the Original Side are concerned, extension of service has been granted to almost every one after he has attained the age of

55 years. One of the officers has been granted extension for four times; and some others for two or three times. What has been the result of granting such extension of service? There is a class of officers who are working on a temporary basis, and they have been continuing as such for years without any chance of being confirmed. If men at the top are retained in this way by granting them extensions of service, there is no chance of any vacancy occurring at the bottom for these temporary men to be confirmed and for new entrants to get in. I have been trying for years past, at any rate when Sir George Rankin was the Chief Justice of the High Court, to bring the claims of the depressed class or of the scheduled castes to the notice of the authorities——

Mr. DEPUTY PRESIDENT: Mr. Mullick, I am sorry I have to adjourn the Council now.

Adjournment.

The Council was then adjourned till 3 p.m. on Thursday, the 19th March, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 19th March, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 87 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Vacancies in the ministerial staff of Civil Courts in Rangpur.

*59. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Will the Government in the Judicial Department be pleased to state how notices of vacancies in the ministerial staff of Civil Courts specially in the Rangpur district are published?

(*b*) Are the Government considering the desirability of instructing the District Judges to send notices in future to all recognised associations of respective districts for wide publication?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) According to the instructions laid down in rule 1013 (*10*) (*11*) of the Civil Rules and Orders of High Court. This is also the case at Rangpur.

(*b*) No.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Reservation of seats for minority community in Local Boards of Bogra.

22. **Maulvi RAJIB UDDIN TARAFDER:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that the District Board of Bogra passed a resolution on 4th January, 1934, proposing to equalise the number of seats (elected and appointed) in the two Local Boards and also to equalise the number of elected seats to the District Board from each Local Board; and

(*ii*) that this was subsequently reiterated by the said Board in another resolution passed on 12th March, 1935?

(*b*) If the answer to (*a*) is in the affirmative, what action, if any, have Government taken on the proposal of the Bogra District Board?

(*c*) Will the Hon'ble Minister be pleased to state in which thanas in the district of Bogra, the minority seats have been allocated for the purpose of Local Board election?

(*d*) Is the Hon'ble Minister considering the desirability of reserving a seat for the minority community in the Sherpur thana as per resolution of the District Board, dated the 4th January, 1934?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes.

(*b*) The matter is under the consideration of Government.

(*c*) West Bogra Local Board—

Adamdighi thana—1 seat.

Panchbibi and Jaipurhat thanas—1 seat.

East Bogra Local Board—

Shariakandi thana—1 seat.

(*d*) It is the policy of Government to allocate the reserved seats to thanas where the total population of the minority community is the largest. This is equally necessary in the interests of the majority community. Government were therefore unable to accept the recommendation of the District Board to reserve one seat in Sherpur thana.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1936-37.

DEMANDS FOR GRANTS.

24—Administration of Justice.

Motions for reduction.

Mr. MUKUNDA BEHARY MULLICK: Sir, I tried to show last evening that so far as assistants were concerned they have been granted extension of service—at any rate, some of them got extension—without any public ground whatsoever. I have given instances without mentioning particular names. What has been the result of all this? In the first place, these officers continued on the top on a very high pay.

In the second place, officers who have been acting on a temporary basis cannot be made permanent and they have been doing so for years, and, thirdly, Sir, as a result of the first two it follows that there is no vacancy for new entrants, and, fourthly, this has caused financial loss to Government inasmuch as officers continued on a high pay which could have been easily managed by officers at lower rates of pay if these officers are retired and new men taken in. I have tabled this motion in order to protest against this sort of action, and I hope Government will see their way to take immediate steps to remove these grievances.

With these words I commend my motion.

The Hon'ble Sir BROJENDRA LAL MITTER: The major premise on which the hon'ble member has founded his argument is fictitious. He says that there are assistants on the Original Side of the High Court to whom extension has been granted. The fact is—at present there is no assistant on the Original Side of the High Court who has been granted extension of service. In order to inform the Council a little more of this matter, may I refer to Fundametal Rule 56(*b*) which deals with extension of service. It reads as follows:—

"A ministerial servant may be required to retire at the age of 55 years, but should ordinarily be retained in service, if he continues efficient, up to the age of 60 years. He must not be retained after that age except in very special circumstances, which must be recorded in writing, and with the sanction of the Local Government."

There is no case in which any assistant has been retained after the age of 60 years; therefore, no question of extension arises. Attention may also be invited to the ruling of the Government of India on Fundamental Rule 86; it is this—"the date on which ministerial Government servants must compulsorily retire is ordinarily the date on which he attains the age of 60 years," and not 55 years as assumed by the hon'ble member. "But in the case of a ministerial Government servant who is required to retire"—mark the word "required"—"between the ages of 55 and 60, the date of compulsory retirement is the date from which he is required to retire. It follows that the restriction imposed by Fundamental Rule 86 does not operate in the case of ministerial servants between the ages of 50 and 60, unless an order is passed requiring him to retire." Since there is no assistant, according to my information, and the source of my information is the Registrar on the Original Side of the High Court, to whom extension has been granted, there is no point in his argument, and there is no occasion for Government to take any action. I oppose the motion.

Mr. MUKUNDA BEHARY MULLICK: After what I have heard from the Hon'ble Member, I beg to withdraw my motion.

The motion was then, by leave of the House, withdrawn.

Mr. S. M. BOSE: I beg to move that the demand of Rs. 69,000 under the head "24A—Administration of justice—High Court—Original Side—Registrar," be reduced by Rs. 100 (recommendations of the High Court Retrenchment Committee).

My object is to call attention again to certain suggestions made by the High Court Retrenchment Committee in 1923. I have been doing so for the last 3 or 4 years. I again draw the attention of the Hon'ble Member to the Report of the Calcutta High Court Retrenchment Committee of 1923. The High Court was beyond the scope of the Mukerji Retrenchment Committee appointed by the Government of Bengal. So the Government of India appointed in 1923 a small committee presided over by Sir Alexander Muddiman, and Mr. Justice Richardson, Mr. T. E. Moir and Babu Surendra Nath Roy as members; the scope of the committee was to consider the economies in the strength of the establishment of the High Court and also such changes and modifications in the working of the court as would tend to economy. Among the various suggestions made by the committee in their report, dated the 10th March, 1923, I may mention some of them referring to the Original Side of the High Court. First of all, there is a proposal in paragraph 23 about the reduction of occasional holidays. The number of holidays as stated in the report was 22. But so far as I can make out, since 1923 it has considerably gone up, I think to 34.

The number of sittings has now become much less. At present about six months in the year are holidays and six months are working days. As regards the long vacation, the committee deal with the matter in paragraph 22 and they say that the length of the long vacation has been constant at 72 days; they say that "this period on the whole seems to us ample and not excessive. In expressing this, we desire to place on record our opinion that a period of 72 days should in no case be exceeded and that if in future any reduction in the time of transit between Calcutta and England is effected, the question of the reduction of this period should be considered." At present there is a considerable reduction in the time of transit from India to England and back, and the conditions of service of Judges have greatly improved, and so have the amenities of life.

Sir, in paragraph 15 the committee says that "the High Court inherited from its predecessors the custom of closing for a period at the time of the *Durga Puja* and for the first few years the vacation varied from six to eight weeks. In addition, the Judges transferred from the old courts brought with them the right to privilege leave, or occasional leave on full pay for a month a year which might be accumulated up to three months." Sir, such a thing as privilege leave, I may add, is unknown to the Judges in England. The conditions of life have altered greatly since 1862, and as I have said, the amenities of life have improved; facilities for travel between England

and India have greatly increased and at present one can reach London in 14 days from Bombay. Then there are air mail services: ordinary air mail takes 6 days to reach London and Dutch air mail takes 3½ days. So as the length of transit from England to India and back is much less now and so there is no reason why the length of vacation should not be curtailed. As we all know, Sir, in England the length of long vacation has been reduced by 11 days in order to increase the number of working days, and I do not see any reason why this should not be done here.

I find from the Civil List that there are 19 Judges, 15 permanent Judges and four additional Judges. We are told that there is a proposal for having another extra Judge so as to have the full complement allowed under the old Government of India Act. The proposal that I make would enable the Court to have more working days and there would not be any necessity for having another Judge.

Then, again, there is the proposal of the High Court Retrenchment Committee of 1923, that there should be Saturday sittings on the Original Side of the Court to deal with unopposed matters and undefended cases. In paragraph 25 of their report they say that "this was the practice on one Original Side Court in the past and that is even now resorted to." I am told by a senior member of the Bar that up to 1893 there were regular Saturday sittings, that this was the practice in the Original Side, and even now on occasions this practice is resorted to. In this matter the Retrenchment Committee took the opinion of the Bar which had no objection if the Hon'ble Judges thought fit to have one court sitting for three hours on Saturdays to dispose of unopposed motions and undefended cases. The Secretary of the Incorporated Law Society was also consulted and he said:—

"My Council suggest that with a view to increase the number of working days, the court may be invited to sit on Saturdays up to 2 p.m."

I, Sir, do not think there is any need for the appointment of additional Judges if the number of working days is increased as I have suggested above.

The Hon'ble Sir BROJENDRA LAL MITTER: Mr. Bose knows very well that in the matter of holidays the Chief Justice and the Judges of the High Court have the last word. We exercise no sort of control over them. We cannot put any pressure upon them. Holidays have been prescribed by rules which are to be found in Chapter III of the Rules of the Original Side of the High Court. These rules have been framed by the Chief Justice and Judges. All we can do is to forward my friend's suggestions to the High Court for their consideration.

Mr. S. M. BOSE: I beg to withdraw the motion.

The motion was then, by leave of the House, withdrawn.

Mr. NARENDRA KUMAR BASU: May I have your permission to move motions Nos. 373 and 379, which stand against my name, together? They are akin.

Mr. PRESIDENT: Yes, you may do that.

Mr. NAREDNRA KUMAR BASU: I beg to move that the demand of Rs. 69,400 under the head "24A—High Court—Appellate Side—Registrar" be reduced by Rs. 100 (paper books and Paper Book Department).

Also I beg to move that the demand of Rs. 1,16,000 under the head "24A—High Court" be reduced by Rs. 100 (High Court Rules).

Sir, with regard to the paper books and the Paper Book Department, the House will remember that I have been bringing up this matter before the House ever since the rules were first promulgated in 1933. Since then the matter has been agitated in this House not only by myself but by other Advocates of the High Court who happen to be members of this Council. In 1933, the Government reply was that this was a matter which concerned the Judges and the Bar and if the matter was placed before the Judges by the Bar Association, the matter might be remedied. In 1934, it was stated in the Government reply that the rules which had been promulgated had not been given long enough trial and the matter might wait. In 1935, on the 22nd of March to be precise, when this matter was again brought up, the Hon'ble Sir B. L. Mitter, on behalf of Government, after hearing the discussion, said that it appeared to him that there was a case to examine, and he said: "I can promise that I shall take early opportunity of taking the matter up with the Chief Justice at an early date." I do not know whether the Hon'ble Member has had time to take the matter up since then and with what result. But I shall give the Council as also to the Hon'ble Sir B. L. Mitter some ideas of the subsequent developments that have taken place in this matter. The draft rules on chapter IX of the Paper Book Rules were sent out to the Association 10 days before the discussion in the Legislative Council, that is to say, on the 12th of March. The opinion of the Bar Association was sought on it and that opinion was sent on the 15th of May, 1935. The Bar Association heard nothing further for some time and from the complaints received from the litigant public it became apparent to the Bar Association, that the best way would be to suggest that in the case of second appeals at least there should be no paper book at all. I shall make that position clear presently. However, on the 28th of June, 1935, the Bar Association sent a letter to the

Registrar of the High Court giving it as their deliberate opinion that paper books in second appeals were unnecessary. They also suggested that as in the case of first or regular appeals a committee had been appointed by the Government of India on the intercession of the Vakils' Library, as it then was, consisting of Judges and the Vakils, to go into the question of paper books in first appeals, if the court thought fit, in the case of the second appeal, a similar committee might be appointed. Sir, no reply to this was received up till the High Court closed on the 30th August. On the 16th of September, 1935, when the court was closed, a copy of the rules which were being promulgated with effect from the 28th of August was sent to the Bar Association without any reference to, or notice being taken of, the letter of the 28th of June. I would take the rules one by one, and in the meantime I can tell the House that by rule 8 of these new rules a number of new impositions were made upon the litigants. The High Court reopened in the second or third week of November and on the 18th November the Bar Association sent another appeal for relaxation of the rules till they had been further examined by the Association. This was curtly and unceremoniously refused on the 28th of November. And on that same date, a big volume was sent to the Association, containing a revision of all the rules of the Appellate Side of the High Court, excepting the paper book rules, and the Association was asked to send in its views by the 9th December—10 days later. I shall presently show, Sir, that this book contained many new rules and changes. On the 3rd December, the Bar Association asked for time till at least the middle of January to give their considered opinion as the draft was a big one and there were many and very important changes in it. On the 5th of December it was refused. That is, Sir, how the position stands at the present moment. As I have said, these rules are making a great deal of inroad on the purse of the litigants and fees are being charged for things which are absolutely unnecessary. As I pointed out last year, so far as the second appeals are concerned, the paper books which are now being prepared in the Court's office are mostly wretched, which very few people can read, and then they require any number of corrections. The House will be surprised to hear that in second appeals filed in November, 1934—November, 1935, to which numbers have been assigned as of 1935—the paper books have not yet been made ready by the High Court office—not yet, Sir. We are to-day on the 19th of March, 1936, and even though certified copies and a fee of Rs. 10 have been paid in each case, these paper books which are mere copies of the certified copies are not prepared. You can very well understand, Sir, the difficulty of a litigant; he does not know in March, 1936, whether the appeal will be admitted or not; he does not know how he can move for stay of execution. That is the sort of thing that has been going on. What is the reason for this? The reason is that the Paper Book Department must be kept up. Sir, I will not tire

the patience of this House by giving the history of the Paper Book Department which has come into existence, it is said, on a temporary measure for some time now. But it seems to me that the attempt of the High Court is that the Paper Book Department must be maintained, and in order to do that, what do they do? They charge any number of new fees. For example, if the House will turn to page 18 of the new rules which begin by saying that the applications to the High Court must be made with a court-fee stamp of Rs. 2 in the matters mentioned in the schedule; it will be found specific applications verified or unverified——

The Hon'ble Sir BROJENDRA LAL MITTER: May I ask my hon'ble friend what reference he is giving?

Mr. NARENDRA KUMAR BASU: Sir B. L. Mitter is, perhaps, looking into the Lower Court Rules. I am giving reference to the High Court Rules. I will deal with the Lower Court Rules presently; they are still worse.

Sir, you will find that of the 30 items mentioned here in which Rs. 2 stamp is necessary, there are such things as revision of lists by appellants or respondents, filling of lists by respondents—things like that have got to be supported by application with Rs. 2 stamp and sometimes verfied by stamp of another Rs. 2. That is the sort of thing that is being done in order to make the Paper Book Department go on and in order, if I may say so, that even my esteemed friend, Sir John Woodhead may be hoodwinked. Then, Sir, you will also find at page 111 another long list of fees on applications made in respect of following matters and such fees should be paid by means of court-fee application—searches, asking for inspection of records and things of that nature.

My submission is, Sir, that so far as these High Court Rules are concerned, with regard to Appellate Side or with regard to subordinate courts, the authority in the High Court is very definite under section 107 of the Government of India Act. That section says: "Each of the High Courts has superintendence over all courts for the time being, subject to its Appellate Jurisdiction, and may do any of the following things, that is to say.....[I shall not read *(a)* and *(b)*] *(c)* make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts.....provided that such rules, forms and tables shall not be inconsistent with the provisions of any law for the time being in force and shall require the previous approval in the case of the High Court at Calcutta, of the Governor General in Council, and in other cases of the Local Government."

I should like to know whether the previous sanction of the Governor General has been taken either to the rules or to the rules and circular

orders contained in this column to which I shall presently refer. There is another authority in the Civil Procedure Code for these rules, section 122, I believe, which says: "High Courts established under the Indian High Courts Act, 1861, or the Government of India Act, 1915, and the Chief Court of Oudh may from time to time, after previous publication, make rules regulating their own procedure and the procedure of the civil courts subject to their superintendence and may by such rules annul, alter or add to all or any of the rules in the first schedule." I should like to know whether this procedure for previous publication has been followed in these cases, and I should also like to know whether in the case of Civil Rules and Orders for the guidance of Subordinate Courts, the provision of section 126, Civil Procedure Code, which says that "rules made under the foregoing provision shall be subject to the previous approval of the following authorities, namely, (*a*) if the rule is made by a High Court established under the Indian High Courts Act, 1861, or the Government of India Act, 1915, to the approval of the authority prescribed by the proviso to section 107 of the latter Act for rules made under that section; (*b*) if the rule is made by any other High Court, to the approval of the Local Government," whether that has been followed.

When I told the House last year that the paper books in the High Court's offices are not prepared from the records but from the certified copies, hon'ble members were taken aback and they would not readily believe that statement to be correct. Well, only to-day a gentleman whom I do not know but who was a litigant in the High Court sent me a paper book of a case which has been disposed of together with a copy of a letter addressed to the Registrar of the High Court in which he says that in the printed paper book—it was printed at the Bengal Government Press and I am sure there could not have been this mistake there as the Bengal Government Press is not capable of making this mistake—five important lines which went to the root of the case were omitted. As a matter of fact, the man says in his application to the Registrar—he was an appellant—that in the certified copy these lines were absent. Therefore, he instructed his legal advisers to file an appeal and his legal advisers did it. If these lines had been there, an appeal would not have been made to the High Court due absolutely to the finding of facts which would conclude the appeal. The man says that it was first discovered when the case was before the bench of the Judges for hearing and the respondent's Advocate found it out. Thereupon, the appellant lost no time in having the appeal dismissed and withdrew it. He writes to the Registrar to say that the consequent loss (he gives an estimate) comes to Rs. 8,000 and he asks the Registrar—Who is going to be responsible for this loss? No reply has been sent to him. I have already said that since the paper books have been typewritten mistakes are numerous. I showed the House last year some copies. I have not brought one this year; but apart from the mistakes,

does it stand to reason that the people who will be made to pay Rs. 10 for typewritten copies of something which they could have got for Rs. 4 or Rs. 5 at the time when they file their appeals? These litigants have got to pay now Rs. 10 for the privilege of having typed copy of the things more than 18 months after the filing of the appeal! I submit that this is unjustified. My time is running short. I shall take up the mufassal rules. The High Court has been pleased to issue three volumes—one Civil Rules and Orders for the guidance of Civil Courts and Officers subordinate to the High Court (two volumes), and the other one called Manual of Practical Instruction for the Conduct of Civil Cases. If there were time, I would ask all the hon'ble members of this House and all the Hon'ble Members of Government to read in full the preface of this inestimable publication; the Manual of Practical Instructions for the conduct of Civil Cases seems to me to be a resume, and badly written at that, of the Civil Procedure Code, and one of the most wonderful things which I just got hold of before I came here. I will ask the Hon'ble Sir Brojendra Lal Mitter to kindly pay attention to this.

The Hon'ble Sir BROJENDRA LAL MITTER: I am all attention.

Mr. NARENDRA KUMAR BASU: It is stated therein: "Presiding Judges should try to persuade parties and their pleaders to make proper admissions and make full use of the provisions of the law relating to discovery, admission, interrogatories and inspection. In suitable cases they should themselves take the initiative as regards the introduction and application of these rules.....parties and their pleaders should be invited to admit as many as possible of the documents on which the plaintiff and the defendant rely for the purpose of the suit." This is the sort of thing that is issued at the ratepayer's expense by the High Court for the delectation of the subordinate judiciary in the province—men who have passed the B. L. Examination on the Civil Procedure Code and been in practice for some time and then been administering justice; and I may say in passing that the subordinate judiciary of this province, at least the Judicial Branch of the Bengal Civil Service, as it is now called, consist of estimable, heard-working, intelligent and capable men and that has been acknowledged times without number in the Privy Council, and the High Court sits and delivers a lecture on them, and that is the High Court of which it is said—I do not say that the story is well authenticated, but there is a story current in the Bar Libraries throughout India that nowadays when a case comes up to the Judicial Committee from the Bengal High Court the respondent is asked to begin. However, this Manual of Instructions in the preface to which I have referred says: This is merely a Manual, probably first of its kind to appear. It owes its origin to the inability of many of the presiding Judges to apply, even

after the case of more than six years, the provision of General Letter No. 2 of 1928 which deals with the conduct of the judicial officers regarding adjournment". The inability of the subordinate Judges and Munsifs to understand has led to the issue of this volume not under the authority of the High Court, mind you, but by the Registrar. It does not say anywhere that these are rules made by the High Court in any of the capacities that I mentioned to you. It also goes on to say: "By reference to it the presiding officers will, it is hoped, find an useful guide to the solution of the more common difficulties with which they are almost daily confronted, while inspecting officers will be provided with some indication of the points, they should look out for in testing the ability of their subordinate officers to conduct the more complex contested cases with diligence and despatch without doing violence to the ordinary principles of fairness and justice to all the parties concerned." Anything more insulting to the subordinate judiciary of the province could not be conceived. That is not all. The High Court has issued two volumes of the Civil Rules and Orders. I hold the first volume in my hand and the second volume is the volume of forms. There also one does not know which of these rules are made by the High Court under the Civil Procedure Code or the Government of India Act and which of these are merely words of caution and which of these are advices. Volume I is signed by Mr. N. L. Hindley, the Registrar of the High Court, and Mr. S. C. Sarkar, the Special Officer. Mr. Hindley gives the credit to Mr. Sarkar for everything that appears in this book and Mr. Sarkar says that he is indebted to Mr. Hindley for being able to produce this book. Mr. Hindley says that this edition has been prepared under the supervision of the Hon'ble Mr. Justice R. E. Jack. It does not show at all anywhere that it has passed through the High Court—I mean the full court—and that the sanction of the Government of India has been taken, or that there was previous publication, nothing of the sort, and for the enlightenment and delectation of the House I shall just read one or two of these rules. Here also new fees are charged as you have heard and every one of you has heard that in the rules there is suspicion and distrust not only of the lawyers, not only of the litigant public, but also of their own officers. Many of you might have seen that one of the rules when it was brought to the Judicial consideration of the High Court was held to be *ultra vires*. I shall not take up at the present moment the case of my own profession. I shall just deal with some of the rules relating to others. For example, some of the rules breathe absolute mistrust and suspicion regarding judicial officers. For example, the House will see the form for submission to the High Court of confidential reports regarding Munsifs and Subordinate Judges. This is given on page 365, Volume I as Appendix Form No. (M) 8. In this form appears a most remarkable thing, that is Schedule No. 8—"Remarks

as to character or reputation". The District Judge is to give confidential report regarding the reputation of a Subordinate Judge, that is to say, the District Judge is to have either a Criminal Investigation Department or to carry out the enquiry with regard to the general reputation of one of his officers himself. That is also illustrated in the case of the officers and the staff. There also it is stated that the District Judge shall get reports about the reputation of all his officers and in order that this may be efficiently done from the point of view of espionage, it has been provided that this is to be done so far as the ministerial officers are concerned not by the *sheristadar* or by any of the superior officers but by a young, energetic and enterprising clerk. Then rule 1101 on page 436 is very precious. The rule says:—

"The High Court have had complaints from time to time that the practical work of inspection is generally left to the *sheristadar* of the District Judge. Inspection being the most important part of supervision and occasions for inspection being few and far between, the time spent on inspection is never wasted or ill-spent. The High Court, therefore, desire it to be clearly understood that the opportunity presented at the time of periodical inspection of personally acquainting himself with the manner in which business of all kinds is conducted in each of the subordinate courts should be fully availed of by the District Judge and the work under the three heads above should be done by the Judge himself. If extraneous help be indispensable on any occasion, which should be rare, the District Judge may take the assistance of a ministerial officer, preferably not his *sheristadar* but an intelligent and less senior clerk from any office at district headquarters or from the offices under inspection, for the purpose of collecting materials from registers, account books, etc., which should be verified by the District Judge himself before drawing up his inspection notes. A different ministerial officer should be employed each time and such officer should not be sent in advance, nor should he remain at any station after the District Judge has left it. If the assistance of any ministerial officer has to be taken, it should be confined within clearly defined limits, *e.g.*, checking totals, stocks, details of clerical work, etc., and should be restricted only to office work done by ministerial officers of the establishment. He must not look into the diary, order-sheet, records of cases, etc., nor must he offer any remark connected with judicial work, judicial procedure or judicial administration. The name and office of the ministerial officer whose assistance is taken should always be stated in the letter sent with the inspection report."

Then at page 419, Rule 1049 says:—

"The District Judge shall place each of the common departments like accounts, *nazarat*, copying, etc., in the immediate charge of a

separate judicial officer. Such officers need not ordinarily be Subordinate Judges at the district headquarters or the senior Munsifs at outstations. It is desirable that Subordinate Judges who are engaged in more important work should not have their time for judicial work curtailed by such a charge. The selection, whether at the district headquarters or at outlying stations, is to be made by the District Judge from among the younger and more energetic and enterprising Munsifs who take an active interest in administrative work and rules of procedure."

What does it mean, if it does not mean that one Munsif at each station must act as a spy of the District Judge? As I have said, these rules, which are really formulated according to law, smack of suspicion and distrust not only of the litigant public who are debarred from entering into the court premises, not only of the Bar with whose help the courts have to administer justice, but also of the subordinate judiciary. I shall like to know what is the meaning of the issue of these regulations? Do the High Court Judges really think that because they are a class of public servants who have been entrusted by His Majesty the King with administering justice that they can be autocrats?

(At this stage the member having reached his time-limit was permitted two minutes to conclude his speech.)

I know that the judicial acts of the High Court Judges are not to be criticised. I am not dealing with their judicial acts at all. But so far as their administrative acts are concerned, I have given the House some illustration, and I submit that if administration of justice depends on the mutual faith between the Bar and the Bench, between the litigants and the Bench, then administration of justice is suffering in the province, and I shall end by a solemn word of warning that history may repeat itself and an address to His Majesty at whose pleasure all these Judges hold their tenure of office may follow if they continue to exasperate the Bar and the litigant public of the province.

Babu SATISH CHANDRA RAY CHOWDHURY: Mr. Basu has placed before the House the views partly of the mufassal Bars. So it only remains for me to place certain other facts before the House which will go to support all the arguments that have already been used. Since these rules have been promulgated the general feeling of the litigant public is that all facilities for obtaining justice have ceased. That is the feeling not only of the litigants, but also of the judicial officers about whom a very well-merited certificate has just been given by one who represents to all intents and purposes the entire body of legal opinion in Bengal. I would add that these rules not only show that there is distrust of lawyers, litigants and even of the judicial officers, but something more. There is evident an anxiety on the part of the framers of the rules to increase revenues from administration of Justice. The High Court to this extent appears to be working practically as if it

were a department of the executive Government for the purpose of increasing the revenues to help the Government in their present financial plight. As regards the rules which operate to raise revenues, I will refer to rule 22 that deals with the filing of applications. We have always been filing applications before courts for various purposes and this rule 22, without which justice has so long been administered and administered very satisfactorily since the courts came into existence, lays down that any applications or other legal document presented to a civil court must be supported by an affidavit or should be verified. Why should it be so? In many cases it so happens that the party to save expense writes a letter to the pleader asking him to file an application, and if there is any inaccurate statement in it the lawyer holds himself responsible for that and he can be punished. We know that punishments may be meted out to the lawyers nowadays for even slight omissions and commission. Then there is another rule, rule 30, which says that written statements and petitions in suits or cases fixed for the day must be filed at the latest within fifteen minutes of the time fixed for the sitting of the court, and petitions and documents presented after the prescribed hour shall not be accepted unless good cause is shown for the delay by affidavit. Now, Sir, the time within which all applications must be filed is therefore 11-15 a.m. It is well known that in mufassal areas, particularly in those areas where the means of communication are deficient, it is not possible for the clients to turn up within the prescribed time, and if the rule is rigorously insisted on, then almost every date the party will have to incur the cost of an affidavit. In this connection, I should like to point out that it was ordered by the High Court sometime back that the mufassal courts must sit at 10-30 a.m., and the rule had to be withdrawn by the High Court because it was found impracticable for the mufassal courts to begin work at that time. Now, Sir, I come to another rule, rule 240, which is very important and which has been commented on in various quarters and particularly by the Calcutta Weekly Notes. Rule 240 requires that when a decree-holder is to bid in a certain auction, he has got to swear an affidavit to the effect that his bidding will be advantageous. The rule does not say for whom it is to be advantageous. I do not like to use strong language, but feel bound to say as a lawyer that this is a rule which is based neither on reason nor common-sense. It is required that all such affidavits must be sworn before the swearing officer before 12 o'clock. The sales are held at 2 p.m. and how is a decree-holder to know at 12 noon that his bidding will be advantageous and unless he becomes a bidder, it will be disadvantageous, to the judgment-debtor. The bidder cannot know within 12 noon what other bidders will turn up during sale, yet he has got to file an affidavit. The ordinary inference is that whenever a decree-holder is bidding, the judgment-debtor gets an advantage, because his bidding will stimulate the price

and bidding by others. Nobody knows why this rule came to be framed if not for raising revenue. If it was not for that purpose, I do not understand why this rule has been promulgated at all.

Mr. PRESIDENT: Mr. Ray Chowdhury, I do not object to your saying that these rules were not properly framed or that they are not necessary, but I am compelled to say that there was no justification for you to state that they were framed at the instigation of the executive Government or to help them.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I did not say that these rules have been framed at the instigation of the executive Government, but it is simply an inference which I submit I am entitled to draw when I find the rules framed in this way.

Mr. PRESIDENT: Did you not connect the executive Government with those rules or say that influence was exercised by them on the High Court in connection therewith?

Babu SATISH CHANDRA RAY CHOWDHURY: All right, I shall leave that matter, Sir, but I am not connecting the executive Government with the High Court. I was simply trying to draw an inference. Even the administration of justice requires some expenditure, undoubtedly. If, as a matter of fact, the administration of justice cannot pay its way, in that case there is some justification for making a levy. As a matter of fact, we have budgeted for an expenditure of Rs. 96 lakhs, whereas the revenue from this source is to the tune of something like 2 crores and odd lakhs of rupees. That shows a large balance left after meeting the expenditure on the administration of justice. Therefore, there is no case to impose any further levy on the litigants, who, what with the increase in court-fees and what with the increase in search fees, already find it very hard to get justice, and rightly did my esteemed friend Dr. Naresh Chandra Sen Gupta say the other day that as a matter of fact, justice was being sold at the present moment which was not the case before. The reply we got was that there was no obligation on the part of the Government to spend all the receipts under a particular head exclusively on that head. It may not be so, Sir, but there ought to be a sense of proportion. You cannot go on imposing a levy in this way. Furthermore, I think that one of the fundamental functions of Government is to mete out justice money or no money. We know the very, very old story, and perhaps it will not suffer by repetition——

Mr. PRESIDENT: Are we discussing this matter at all. Please do not forget that we are discussing the rules.

Babu SATISH CHANDRA RAY CHOWDHURY: There are other rules which breathe absolute distrust of lawyers. Of course, Mr. Basu has very tactfully left out the question of lawyers, but I submit that, representing as I do the mufassal lawyers, who are a very important limb of the administration of justice, I cannot altogether pass that over. In the case of execution of *vakalatnamas* no case of gross abuse has come to light up till now. But under the present rules, it is now required that the execution of *vakalatnamas* must be attested by two witnesses and, furthermore, in case the party is illiterate, there must be the (?) thumb-impression with printer's ink. I submit, Sir, that this shows an absolute ignorance of the conditions in the mufassal which has led to the framing of these rules, in spite of the fact that one judicial officer with mufassal experience—Mr. Sarkar—was there to help the Registrar. I can very well say, and say without fear of challenge, that there are hardly any villages where printer's ink is available. If the finger-print is to be taken with printer's ink, then I submit that it would be extremely difficult if not impossible to secure the execution of the *vakalatnama* in many cases, and this difficulty is aggravated by the further condition of two persons being required to attest. I submit there is no reason why this stringent rule should be there. As regards the execution of *vakalatnamas* by the clients, the lawyers do take a good deal of precaution and they try to ensure that no abuse can creep in or any false personification takes place. If there are one or two very rare cases of abuse, it is not the lawyer's fault, and it will continue under any circumstances. This is one instance, Sir, in which I find distrust of lawyers displayed glaringly in the rules. Sir, lawyers are empowered by *vakalatnamas* to take all receipts of money on behalf of their clients. Still, a new rule lays down that the decretal amounts deposited in the courts are to be sent to the parties by money orders. Then, again, by rule 1034 not only are the clerks of the lawyers but lawyers themselves are excluded from entering the court offices. The wording of the rule 975 regarding clerks is vague. The rule says: "... .....they shall have access to the officers," but there is a footnote down below which states that "access" means not "approach to," but does not authorise a registered clerk to go inside the office of any court. If there is not to be any entry in the office-room, how is access or approach to an officer to be possible. Is he to shout from under the banyan tree to the officers in the rooms? Sir, the lawyers too have been regarded as "officers" of the court, and they have in many cases a greater responsibility than even the paid officers. If they are not allowed occasionally, and for good reasons, to enter the office for the purpose of making enquiries—if they are to be completely distrusted in this way—I am afraid that the whole administration of justice will tumble down some day or other, because the whole fabric is maintained with the assistance of lawyers and with their co-operation. It may be said that there is corruption. I do not deny that

there is corruption here and there. But is there any justification why, in order to uproot corruption, you should uproot all essential parts of the machine? Are not the lawyers the persons who are most interested in keeping the administration of justice undefiled and pure? In this connection I am tempted to quote the famous expression "a sad cure—to be no more." I submit, Sir, that the restrictions which have been unnecessarily imposed on the lawyers will take away their enthusiam and may rather dispose them not to extend their willing co-operation in putting a stop to corruption. I think they have at least——

(At this stage the member having reached the time-limit had to resume his seat.)

Haji BADI AHMED CHOWDHURY delivered a speech in Bengali, the following being an English translation:—

Sir, I would like to discuss the disadvantages that we the litigant public have been suffering from under certain new rules framed by the Hon'ble High Court.

Firstly, I take up the question of printing costs. In the High Court cases are decided by means of what are called paper books. If the value of a suit is below Rs. 50, no paper book is required to be printed. But this system is more to the advantage of bigger litigants than to smaller ones. Thus, for example, a man actuated by the motive of taking possession of properties worth about a lakh of rupees or so may escape the costs for paper books by taking just a small slice of the property valued at less than Rs. 50 and starting a suit thereon, whereas a poor man who has got to file an appeal in connection with a suit over a piece of land worth Rs. 100 will be debarred from doing so until he has deposited the necessary printing costs. I, therefore, request the Hon'ble High Court as well as the Government to grant exemption of printing costs in all those cases which are valued up to a maximum of Rs. 1,000 and which come under the jurisdiction of a Munsif Court.

Secondly, up to 1916, in the case of khas appeals, the appellant was required in the first instance to pay Rs. 7-8 as for printing costs and if the appeal was admitted another Rs. 7-8 used to be charged from the respondent, and in case the appeal was disallowed, the previous amount of Rs. 7-8 used to be refunded. The paper book that used to be prepared with these Rs. 15 contained the plaint, the written statement, the judgments of the original Court and the Lower Appellate Court and the grounds for the appeal filed in the High Court. Several copies of this paper book used to be supplied to the parties. But from after 1916 certain changes took place and an amount of Rs. 15 began to be charged from the appellant. But the plaint and the written statement were omitted from the paper book,

with the result that an appeal had to be decided on the judgments of the Lower Courts, which might or might not contain any reference to the main issues of the case.

Thirdly, in 1930 further changes were made requiring the appellant to pay Rs. 15 and the respondent Rs. 7-8 towards the cost of paper books.

At present the sum of Rs. 10 is charged from the appellant making khas appeals and Rs. 5 from the respondent. But if the appeal is not admitted, no refund is made to the appellant. But at the same time no paper book is printed with the said money, but only badly typed copies are supplied instead. Besides, an additional amount of Rs. 5 is charged for the purpose when there is a guardian appearing on behalf of any of the parties.

The freedom of the High Court has been daily increasing with the result that there has been in evidence greater laxity. A resolution for a recess of prayer from 12-30 p.m. to 2 p.m. on Fridays was passed by this Council and duly gazetted. But the Hon'ble High Court has failed to carry it out in their own case as also in the case of the Lower Courts. There have been other lapses on the part of the Hon'ble High Court. For instance, appeals filed in 1934 have not yet been heard and disposed of. Meanwhile, the appellants are put in difficult positions on account of the undue advantages taken of the Lower Court decrees which might be reversed by the High Court. If the aggrieved parties want to have their appeals and other matters disposed of at an early date, they will in that case have to deposit a special fee for printing costs and get the papers ready, while the amount already deposited by them in accordance with the usual procedure will in no circumstances be returned to them. Moreover, the new rule framed by the Hon'ble High Court for hearing petitions for adjournment adds further to the burden of the litigants. Formerly, prayers for time used to be made orally by the advocates on behalf of their clients, but under the present rule a court-fee of Rs. 2, a cost of Rs. 2 for an affidavit and a contingent expenditure of Rs. 4 or Rs. 5 are necessary before a formal petition for time may be put in.

Fourthly, if briefed for cases valued above Rs. 5,000, the advocates of both parties used formerly to select matters for printing, but now no choice is left with the advocates to exercise their own discretion in this respect. All the papers, important or unimportant, connected with a Sadar Appeal are required to be printed and the litigants have to pay a large amount by way of printing costs. In most cases this rule deters the litigant public from seeking justice before the Hon'ble High Court.

Fifthly, in suits below Rs. 10,000 in value, it is the advocates who prepare the paper books, but in regard to suits above Rs. 10,000 in value the paper books are prepared in the offices of the Hon'ble High

Court. The latter procedure involves much delay and heavy costs. It is therefore preferable that in the latter instance, too, the advocates should be permitted to prepare paper books.

Lastly, the Hon'ble High Court has of late introduced a new rule in the Lower Courts. According to it, no pleader, pleader's clerk, client or other persons are allowed to enter the offices or record rooms of the Lower Courts for any information. In case any information is required, a formal application has to be made. This new procedure entails much greater costs than formerly and puts the litigant public to endless inconvenience and troubles.

I, therefore, suggest that a committee of representatives from the High Court, Government and the public be appointed immediately to look into the grievances of the litigant public and modify the rules injurious to their interests.

Mr. SARAT KUMAR ROY: Sir, the Civil Justice Committee had found the conduct of business in our law courts unsatisfactory and to prevent malpractices which were rather rampant there, they recommended for a thorough change of these rules. And we all expected a change for the better, and we hoped that the troubles of the litigant public would come to an end. But, Sir, as bad luck would have it, we are disappointed. The changes made are no doubt very comprehensive and radical in character. But I regret, a large number of these are far from satisfactory—some are even frivolous in nature, while others are in a manner unworkable and, what is worse, they have augmented the troubles of the litigant public; they have thrown upon the litigant public unnecessary responsibilities and, lastly, they have a tendency to augment the cost enormously and for which there is hardly any justification.

Sir, the short time at my disposal would not permit my examining these rules in detail, and also I do not think it necessary. So, Sir, just by way of illustration, I shall briefly comment on some of them only.

Sir, rule 23 provides that all interlineations, erasures, corrections, etc., in all pleadings or petitions filed before courts shall not only be initialled by the party or his pleader, but also by the officer of the court who receives them. I put before the House to consider whether it is practicable for the *peshkar* before whom all papers are filed to discharge his duties according to the latter part of this rule.

Rule 27 requires all petitions, etc., filed before the court, to be signed by the persons who draft them. Rule 30 provides that all written statements, petitions, etc., intended for cases fixed for the day, must be filed within fifteen minutes from the time fixed for sitting of the court and for the explanation of any delay an affidavit has to be sworn.

Rule 51 directs that no affidavit can be sworn after 12-30 p.m.

Sir, these and such other rules unquestionably hamper the easy conduct of business of the court.

Then, I come to illustrate another aspect of the situation created by the change.

Rule 240 requires every application for leave to bid at a sale to be supported by an affidavit stating facts showing that an advantageous sale cannot be had otherwise. Evidently, the very object of the decree-holder in making such application is, to secure it. So the new procedure is cumbrous and adds to the costs of the suit unnecessarily.

Then, Sir, I turn to rule 943, which provides that a pleader must make his application for renewal of his yearly certificate before 15th November each year, although the law, I mean, section 7 of the Legal Practitioners Act, entitles the pleader to make such application at any time before his current certificate expires, that is to say, before the 31st December each year. Unquestionably, this rule is in conflict with the express provisions of the law enacted by the legislature.

Then, Sir, besides this volume of rules, the total number of which exceeds eleven hundred, I understand confidential circulars are also sometimes issued and these bring forth further complications in the conduct of business. One such instance I beg to point out before I resume my seat. The pleaders' clerks are given licenses by the District Judge to discharge certain duties outlined in rule 936 and yet, Sir, you will find written at the door of every office—'Pleaders' clerks are not allowed to enter inside." Sir, what is the motive behind this? Do the framers of these rules think that by simply prohibiting these clerks from going inside the rooms of the office, the malpractices would vanish? I submit, Sir, certainly not. If the recipient of an illegal gratification is eager to accept it and for the purpose of extorting them they refuse to promptly discharge their duties, the parties to the misdeed may very conveniently meet outside such office-rooms. So, Sir, I submit that rules like these cannot serve the real purpose. The malpractices can only be removed by enlarging the facilities of the litigant public, by the presiding officers of the court taking more active interest in the conduct of routine work of the court and thorough examinations at short intervals of their work, with a view to determine the despatch and ability they show in the discharge of their respective duties.

Therefore, Sir, I think I have made out sufficiently that the new rules are not entirely satisfactory. Some of them badly need revision, and what I would urge most seriously is, that the High Court should take the public into their confidence while revising these rules or, at any rate, consider the practical suggestions from lawyers who act as public agents as well as officers of the court.

With these remarks I wholeheartedly support this motion.

Maulvi ABUL QUASEM: I rise to give my wholehearted support to the two motions moved by Mr. Narendra Kumar Basu and in doing so, I shall confine myself to what is felt by people practising in the mufassal courts in regard to the Civil Rules and Orders of the Calcutta High Court promulgated for the guidance of civil courts and offices subordinate to the High Court. I refer to Volume No. 1. Most of the points which I wanted to touch have been touched by previous speakers, but I think there are certain rules in Volume I which require to be repeated in order that a special note may be taken of them by the Hon'ble Sir Brojendra Lal Mitter so that he may try his level best to see that the grievances ventilated on the floor of the House are redressed. I refer first of all to rule 10. It runs as follows:—

"Plaints, memoranda of appeals, and original petitions must be presented during the court hours specified in rules 1(*1*) and 1(*5*)."

And then there is an explanation which is as follows:—

"Original petition means a petition whereby any proceeding other than a suit or appeal or a proceeding in execution of a decree or order is instituted in a Court."

What I want to emphasize is that here an execution petition is not classed as an original petition. The result is serious. The ordinary hours of work of a court have been fixed to be from 11 a.m. to 5 p.m. and if an execution petition were deemed to be an original petition it might be filed at any hour between 11 a.m. and 5 p.m. But if it is not an original petition, it must perforce be filed by 12 a.m. at the latest. Rule 30 says: "Written statements and petitions in suits or cases fixed for the day must be filed at latest within 15 minutes of the time fixed for the sitting of the court in rule 1 (*1*) and 1 (*5*), and all other petitions and documents by such hour, not beyond 12 noon, as may be fixed by the Court except papers the occasion for the filing of which arises during the trial. Petitions and documents presented after the prescribed hour shall not be accepted unless good cause is shown for the delay by affidavit or otherwise as the court may direct." An execution petition starts an original proceeding. There is no reason which can debar an execution petition from being classed as an original petition. What led the framers of those rules not to class an execution petition as an original petition enabling it to be filed at any time between 11 a.m. and 5 p.m. passes my comprehension. If it is not filed by 12 a.m. it cannot be filed at all on that day unless good cause is shown for the delay. This entails enormous hardship and possibly the danger of a petition being barred by limitation. Then as regards contested original suits, rule 28 says: "In contested original suits, no written statement, list of documents or application which the Judge may consider material, shall be filed unless copies thereof have been previously served on the pleader for each set of parties whose interests are not joint . . . . ." I would ask the

House to consider the practical difficulties involved. By 11-15 a.m. a petition must be filed; by 11-15 a.m., the person who wants to file his petition must obtain an acknowledgment on the petition from the other party's pleader that he has got a copy of it. In mufassal courts the pleader of the other party may not have any business on that particular day and may come to the court after 11-15 a.m. If that happens—as it is very likely to happen—the petitioner is put to a lot of difficulties unnecessarily. The time for filing might certainly be extended and in case of the absence of the other party's pleader from Court, the copy should be allowed to be filed along with the original petition. Then, Sir, I shall refer to rule 240 which has already been referred to by Babu Satish Chandra Ray Chowdhury. Rule 240 says: "An application for leave to bid at the sale, under order 21, rule 72, shall be supported by an affidavit setting out any facts showing that an advantageous sale cannot otherwise be had." The language is very interesting. It is so vague that no intelligible meaning can be made out of it even by legal practitioners who have to deal with these matters. How can a decree-holder tell beforehand whether outside bidders will not come forward and offer a sufficient price? His saying anything to that effect can only be a conjecture and a guess and a conjecture is elevated to the rank of a certainty if it is propped up by oath. The *Calcutta Weekly Notes*, a noted Law Journal, has said that this rule can be interpreted as having no other meaning than that Re. 1-12 has to be paid by the decree-holder for the privilege of bidding at the sale. There cannot be any other meaning. The petition will cost 12 as. and the affidavit Re. 1, so Re. 1-12 is fixed as the price of the privilege. It would have been far better if it were simply required that every application for leave to bid at the sale should bear court-fee stamp worth Re. 1-12. Requirement of an oath to support a conjectural statement is simply to lower the value of an oath and belittle its solemnity.

(Here the Council adjourned for 15 minutes.)

(After Adjournment.)

I would next refer to the very important work which the pleaders have often to do, namely, inspection of records in pending cases, original as well as appeal. According to rule, only one hour during the day has been fixed for the inspection of records by the pleaders and it must be done on application with the permission of the presiding officer in the presence of particular clerks specially deputed for the purpose. In mufassal towns where courts are many and pleaders have business in different courts they cannot always make it convenient to come at a fixed hour to inspect the records. Moreover sufficient accommodation is not provided for the purpose. For instance I have found pleaders at Alipore Judge's Court standing in a dark

room which are littered with portmanteaus and boxes in which documents were filed. No separate room with sufficient light and air and accommodation is available and the pleaders are compelled to use a veritable lumber room where sufficient sitting accommodation is wanting. I should like to refer to a remark made by Mr. Narendra Kumar Basu, namely, that these rules breathe suspicion of pleaders and their clerks and litigants. The remark is only too true. I will refer to rule 132 which comes to this. No one not being a member of the office establishment will be permitted to enter any room without the special permission of the presiding officer. It is well known that pleaders and their clerks are not members of the office establishment and if they want to enter an office they will require the permission of the presiding Judge. Is this practicable? Next I come from the pleader to his clerk. I refer to rule 975. A pleader has got to get his work done through his clerk who is registered and for whose conduct and behaviour the pleader has to undertake all responsibility. The clerks are given cards and on these cards their registered numbers are recorded. They are responsible people. But rule 975 says that a registered clerk shall for the purpose of performing the ministerial part of the work of his employer's office have access to any court in which the latter is authorised to practise and to such of its ministerial officers as may in that behalf be designated by the presiding Judge of such court. There is a note attached to it (Note 1) which says "access means approach to; it does not authorise a registered clerk to go inside the office of any court." Beautiful indeed. He is allowed access to the ministerial officers but he must not go inside the office where the ministerial officers work. How is he then to have access to the ministerial officers and communicate with them? The absurdity and indefensibility of this rule are evident. It appears that this rule has been framed with the special object of banning pleaders' clerks. Under certain statutes, for instance, the Bengal Village Self-Government Act, pleaders are not allowed to appear and plead before union courts and benches. If pleaders and their clerks are to be under such clouds of suspicion why not abolish the whole race of them? That would be an exhaustive way of dealing with these suspects.

Next I would refer to one very important matter. I request Hon'ble Sir Brojendra Lal Mitter to take a special note of it. I refer to section 9 of the Suits Valuation Act. Section 9 empowers the High Court to make certain rules in the matter of valuing certain kinds of suits. Under this rule-making power other High Courts have framed rules but the Calcutta High Court up till now has not framed any rule. In a case decided by the Full Bench of the Calcutta High Court, published in the XXXVIII Volume of the *Calcutta Weekly Notes* at page 589, it has been held that under Rule 11 of Order 7 of the Civil Procedure Code, a court has got the power to direct the plaintiff to revise the valuation but until rules are framed by the

High Court this power cannot be exercised. Notwithstanding th finding of the Full Bench up till now no rules have been framed b the High Court and here the High Court appears to be guilty of dereliction of duty. I have very little time left but before I resum my seat I would earnestly beseech Sir Brojendra Lal Mitter to tak note of the real public feeling against the absurdity and indefensibilit of some of the rules which have been promulgated by the High Cour and I would beseech him to do his best to bring redress to the aggrieve public.

The Hon'ble Sir BROJENDRA LAL MITTER: To-day's debate i an important one and has been inspired by an earnest sense of respon sibility and reality which I cannot ignore. The rules framed by th High Court were intended to ensure precision and uniformity i procedure and practice and to lay down what was in the past sanctione only by custom. Several of these rules have been criticised an severely criticised. Apart from the rules, Mr. Narendra Kumar Basu with the responsibility which attaches to the President of the Bar Asso ciation, complained of the manner in which the rules were promulgated without giving the profession an adequate opportunity to conside them. That, Sir, is a domestic quarrel in which the Governmen cannot interfere.

Then Mr. Basu said it was not known whether all the rules wer according to law or whether they received the sanction of the Govern ment of India or whether rules, which under the law ought to hav been previously published, were so published. I am informed tha all these rules have been sanctioned by the Governor General i Council. As regards previous publication, I have at the moment n information. Let it not be understood that I am brushing aside these criticisms in a light-hearted manner. That is not my intention. My plea is that I have not got enough information on these points. As regards individual rules which have been criticised, I do not propose to go into the merits of them, on this occasion, because that would be an endless task. One rule has got a bearing on other rules. Then, we have to look into the previous history of the rules, why they were promulgated, and so on. I have no time to do that. It caused me n little distress to find that the promulgation of these rules has created a considerable amount of dissatisfaction, if not resentment, in the profession. That is a very unfortunate state of affairs. The High Court is an institution which is very dear to me. I spent 24 years, the best years of my life, in that institution. When that institution is criticised it cannot fail to cause me pain. In my time, there was the utmost cordiality between the Bench and the Bar. It appears that that state of things does not prevail at the present moment. That is unfortunate not only from the social point of view, but from the point

of view of the administration of justice. Unless there is free co-operation between the two, administration of justice is bound to suffer. If the effect of these rules be the destruction of that cordiality or the destruction of mutual confidence, then they do need revision. Sir, I want the House to realise the constitutional position. The High Court of Calcutta is not under the administrative control of the Government of Bengal. It is well known that all the other High Courts are administratively under the control of Local Governments, but not so the High Court of Calcutta. Under the new Constitution this state of things will be changed. I desire to draw the attention of the House to one passage in the Simon Commission Report which runs thus:—

"While we propose that all High Courts alike should, for administrative purposes, be put under the Government of India, we do not mean that the situation now existing in Calcutta should be perpetuated and extended. We recommend that the charges of all High Courts should be put upon central revenues.....Under the present system, if the Chief Justice of the Calcutta High Court writes to the Government of India to say that he needs the services of an extra Assistant Registrar, the Government of India, if it sees no valid objection, forwards the application to the Government of Bengal for remarks. The Government of Bengal has no responsibility for seeing that the High Court is properly administered or that its staff is not overworked." I emphasise the point that the Government of Bengal has no responsibility for seeing that the High Court is properly administered. Now, that is the constitutional position. Of course, that will be changed under the new Constitution. The Joint Select Committee reported thus:—

"The White Paper proposes that in future any expenditure certified by the Governor, after consultation with his Ministers, to be required for the expenses of the High Court shall not be submitted to the vote of the Legislative Assembly, though it will be open to discussion by them."

This recommendation of the Joint Select Committee has been embodied in the new Government of India Act. So, when the new Constitution comes, it will be competent for the Lower House, that is the Legislative Assembly, to discuss the administrative matters of the High Court, but under the existing Constitution the discussion here cannot have any direct effect because the Government of Bengal cannot do anything in the matter. We have no responsibility and no power. I shall draw the attention of the House to section 106 of the present Government of India Act. It says this:—

"The several High Courts are courts of record and have such jurisdiction, original and appellate, including admiralty jurisdiction in respect of offences committed on the high seas, and all such powers and authority over or in relation to the administration of justice, including power to appoint clerks and other ministerial officers of the

court, and power to make rules for regulating the practice of the court, as are vested in them by letters patent, and subject to the provisions of any such letters patent, all such jurisdictions, powers and authority as are vested in those courts respectively at the commencement of this Act."

Sir, clause 8 of the letters patent says this:—

"And we hereby authorise and empower the Chief Justice of the said High Court of Judicature at Fort William in Bengal from time to time, as occasion may require, and subject to any rules and restrictions which may be prescribed by the Governor General in Council to appoint so many and such clerks and other ministerial officers as shall be found necessary for the administration of justice, and the due execution of all the powers and authorities granted and committed to the said High Court by these our Letters Patent, and it is our further will and pleasure, and we do hereby for us, our heirs and successors give, grant, direct and appoint, that all and every the officer and clerks to be appointed as aforesaid shall have and receive respectively such reasonable salaries as the Chief Justice shall, from time to time, appoint for each office and place, respectively, and as the Governor General in Council shall approve of." Section 106 of the Government of India Act and clause 8 of the Letters Patent taken together come to this that the rule-making power is vested in the High Court subject to the approval of the Governor General in Council. The Local Government does not come in the picture at all. That being so, the Local Government cannot be held responsible for any defect in the rules which have been made. If the motion which my friend has moved be intended to be a censure on the Government of Bengal, then I take my stand on the constitutional position that I am not responsible for what he is seeking to hold me responsible for, and I dare say my friend will agree. If my friend's intention be to draw the attention of the Government of Bengal to the defects in or the objections to the rules, then all I can say is, if that will satisfy my friend, that I shall forward a copy of this debate to the High Court and also to the Government of India. To the profession may I suggest one thing. Some of these rules are for the High Court Appellate Side and some for the mufassal courts. The High Court Appellate Side Rules may well be taken charge of by the Bar Association. So far as the rules for the mufassal courts are concerned, I suggest that the mufassal Bar Associations do go through them and formulate their objections and send those objections to the High Court. There is another method by which these grievances may be ventilated, that is through the Law Journals. Law Journals exist for that purpose. They exist for the purpose of criticising rules and orders promulgated by the courts or wrong judgments, if any. They do not exist merely for reporting cases. Grievances should be ventilated in these journals. For my part, I am

prepared to do one thing which is practical. A Special Officer will shortly be appointed to investigate into the standard of work of clerks in civil courts, and he will have to report on the effect of the new rules and the amount of work required to be done by the clerks. I am prepared to go to the High Court and persuade them to agree that this Special Officer may also examine the effect of the rules and their practical working and to suggest how any harshness may be removed. This Special Officer will get in touch with the local Bars in the districts and will get to know where any rules are operating harshly or causing any inconvenience either to the profession or to the litigants. I am prepared to try and extend the scope of the reference to this Special Officer. Beyond this it is impossible for me to promise any immediate relief. I shall draw the attention of the High Court to the criticisms which have been made and also forward a copy of the debate to the Government of India for their consideration. What the effect of that will be I cannot say; but so far as lies in me, I can get the Special Officer to report where these rules are defective and where they may be improved, and when we have got that report we can take appropriate steps in that behalf.

As regards paper books, the position, as I understand, is this. Mr. Basu's criticism was limited to second appeals. So, I shall confine my remarks to second appeals only. In the past, paper books in second appeals were printed after admission of appeals at Rs. 15 for the appellant and Rs. 7-8 for the respondent. Typewritten paper books are now prepared and are charged for at Rs. 10 for the appellant and Rs. 5 for the respondent in appeals over Rs. 50 in value. Litigants have, therefore, gained considerably here. In the past the appellants had to pay Rs. 15; they now pay Rs. 10; and the respondents who paid Rs. 7 have now to pay Rs. 5. In second appeals under Rs. 50 in value Government bears the cost and no charge is levied. In the past, the Advocate was obliged to prepare a paper book for the Second Judge for use at the preliminary hearing. The client had to bear this cost as well as the cost of the paper book proper if the appeal was admitted. Very often the cost incurred in this way amounted to Rs. 5 for the second copy *plus* Rs. 15 after admission. At present the maximum is Rs. 10 or half that amount. (MR. NARENDRA KUMAR BASU: That is absolutely incorrect.) Now, that is so far as the cost is concerned, but Mr. Basu's criticisms went further. He said that it was not merely a question of costs, but also of mistakes which now creep into the typed copies and also the delay which is caused in the Paper Book Department. Sir, with regard to mistakes and delays, what is it that Mr. Basu suggests that this Government can do?

Mr. NARENDRA KUMAR BASU: Abolish the Paper Book Department. Don't give the High Court any money for the Paper Book Department.

The Hon'ble Sir BROJENDRA LAL MITTER: The High Court makes rules, and for the transaction of business briefs must be prepared for the Judges; these briefs constitute the paper books. The suggestion that no money should be given to the Paper Book Department, that is to say, that no brief should be prepared for the Judges, that, Sir, is a suggestion of desperation. It is not a practical suggestion. If, on the other hand, my friend had suggested a practical method, either of going back to the old system or an improvement on the old system, then I should certainly have been prepared to forward that for the consideration of the High Court. The suggestion which he made was made in anger, and I do not think he would seriously press it. Sir, that is the position. With regard to these rules, we had no hand in the matter; our approval was not necessary, nor was it sought. They were promulgated with the sanction of the Governor General in Council.

Mr. NARENDRA KUMAR BASU: Are you sure of that?

The Hon'ble Sir BROJENDRA LAL MITTER: That is my information. There is one point which I think I ought to mention. It is that some of these rules have to be made in accordance with law. If any of these rules has not been made in accordance with the law, then what is the remedy? The remedy is, not to obey that rule, which is a nullity, and then have it debated in the High Court. Take an exception to the rule and say that it is *ultra vires* of the High Court and is not binding. Has any one of these rules been ever tested in this way?

Mr. NARENDRA KUMAR BASU: Well, one of them has been.

The Hon'ble Sir BROJENDRA LAL MITTER: And what has been the result?

Mr. NARENDRA KUMAR BASU: The result is that the High Court has declared that rule to be *ultra vires*.

The Hon'ble Sir BROJENDRA LAL MITTER: There is a remedy, then. Why then do you come to the legislature for remedy, when the remedy is in your own hands?

Mr. NARENDRA KUMAR BASU: You cannot expect to have one thousand test cases to have the rules remedied?

The Hon'ble Sir BROJENDRA LAL MITER: But, surely, if any rules be *ultra vires*, the proper procedure is to take exception to them at the first opportunity that occurs and to have them tested by proper argument. If my friend says that a particular rule was taken exception

to and it has been declared *ultra vires*, that was the proper procedure—the constitutional way of getting rid of a bad rule. As I have already said, whether the rules were previously published or not, I have no information. My point is that the Judicial Department of the Government of Bengal cannot be held responsible for any remissness on the part of the High Court. My conclusion, therefore, is this: I take a serious view of this debate, and that some of the criticisms which have been made do appear to me to be valid, but I am not in a position to discuss them on their merits without knowing the whole history of each particular rule. But what I am prepared to do—and I repeat it—is that I shall forward a copy of this debate to the proper authorities, *i.e.*, to the High Court and the Government of India, and, on my part, I shall try to get a report from the Special Officer, whom we shall depute to go and visit the mufassal courts, and report on the practical working of these rules and also what inconveniences or hardships are being caused by them. When I get that report, it will then be time for me to consider what steps I can take to have a remedy.

Maulvi ABUL QUASEM: Will you ask the Special Officer to consult the Bar Association?

The Hon'ble Sir BROJENDRA LAL MITTER: The Special Officer must do that if he were to report on the working of a particular rule in the mufassal courts; he must get in touch with the local Bar Associations. That is, Sir, all that I can do. Under the constitution we cannot exercise any sort of control over the High Court. It is an anomaly, as Sir George Rankin, in giving evidence before the Simon Commission, put it: it is an anomalous situation that the Government of India calls the tune, but the Government of Bengal pays the piper. It is a constitutional anomaly which we cannot help, but it is going to be rectified under the new Constitution, and then, possibly, a readier remedy will be available. At the present moment, however, no remedy is available. After this explanation, I hope my friend will see his way to withdraw his motions.

Mr. NARENDRA KUMAR BASU: Before I withdraw my motions, may I put one question to the Hon'ble Member? Will he take this matter up, so far as the High Court portion is concerned, with the Chief Justice?

The Hon'ble Sir BROJENDRA LAL MITTER: Well, Sir, I can do that only in my personal capacity, and I shall certainly do so.

Mr. NARENDRA KUMAR BASU: On this assurance of the Hon'ble Member, I beg to withdraw both my motions.

The motions of Mr. Narendra Kumar Basu were then, by leave of the House, withdrawn.

(Motions Nos. 374-376 were not moved.)

Mr. NARENDRA KUMAR BASU: Sir, I beg to move that the demand of Rs. 1,16,000 under the head "24A—High Court" be reduced by Rs. 100 (High Court list of holidays).

Sir, some time ago the Hon'ble Sir Brojendra Lal Mitter in the course of a debate, in answer to my friend Mr. S. M. Bose, said that the High Cuort's annual vacation is fixed in accordance with the rules of the High Court. Well, Sir, it will be news to members of this House that up till very lately the rule of the High Court was that the annual vacation should start from the middle of September and end after the *Durga Puja*, *Kali Puja*, and *Jagadhatri Puja* holidays. For some time now, the vacation has been moving backwards and backwards, so that for the last few years the annual vacation started at the end of August and the High Court opened in the beginning of November. For the present year, 1936, again, the High Court is to close on the last week of August and is to reopen before the civil courts reopen and long before the *Kali Puja* and *Jagadhatri Puja* holidays. The effect of that will be that, immediately after the High Court reopens, after the long period of torpidity, there will be any number of holidays before the Christmas holidays come in, and in order to validate this, last year the High Court Original Side rule was changed, and it was made elastic. Sir, for whose convenience is it that the High Court exists? For the convenience of the litigant public or for the convenience of half-a-dozen or less European Judges who go to England during the autumn vacation? Every one in this province knows that if you close the High Court in August or in September, it means that every one is pinned down to Calcutta, for there is no going out of Calcutta for any change of climate or for any other business at that time of the year. The climate is as bad as possible outside, with the result that a man has got to remain in town. This is the course so far as the legal practitioners are concerned, and this must also be felt by the litigants. But because there are three or four—or, at the utmost, five—Judges, who have got to go to England, who have got to see their children at school or something of that kind, the High Court must close in August! I again repeat, Sir, does the High Court exist for these three or four or five Judges, or does it exist for the convenience of the litigant public of this province? I am afraid that no attention is being paid by the High Court to the inconvenience of the litigants and of the profession. Representations have repeatedly been made to the High Court by the Incorporated Law Society, by the Bar Association, as well as by the Bar Library—the three bodies of professional men in the High Court—but no attention has been paid to them.

Sir, as I had occasion to remark during the last debate, the High Court is daily developing a spirit of autocracy. Whether that is a result of inferiority complex or not, I do not know, but what has happened is that it is not listening to the advice that is given to it, and, I am afraid that, like a square peg in a round hole—like those well-known Japanese dolls—it will some day tumble down.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I find that the Long Vacation shall ordinarily commence on the second Friday in September and end about the middle of November and shall include *Mahalaya*, *Durga*, *Lakhi* and *Kali Pujas*, *Bhratridwitya*, *Jagadhatri* and *Kartick Pujas* and any Muhammadan holidays falling within the period of the Long Vacation. That was the old rule, Sir. On the 1st March, 1935, this rule was amended, and the existing rule is that the Long Vacation shall ordinarily commence on the last Friday in August and end about 72 days thereafter, but whenever possible, without unduly prolonging the hot weather period between the Easter and the Long Vacation and without unduly shortening the period between the Long Vacation and Christmas, shall include *Mahalaya*, *Durga*, *Lakhi*, and *Kali Pujas*, *Bhratridwitya*, and *Jagadhatri Pujas*, and any Muhammadan holidays generally falling within the period of the Long Vacation. Therefore, it would appear that this Long Vacation has been advanced by about a fortnight. Now, before altering this rule——

(At this stage the time allotted for the discussion of this head having been reached, the Hon'ble Member had to resume his seat.)

The motion of Mr. Narendra Kumar Basu was put and lost.

The motion of the Hon'ble Sir Brojendra Lal Mitter that a sum of Rs. 73,40,000 be granted for expenditure under the head "24—Administration of justice" was then put and agreed to.

25—Jails and convict settlements.

The Hon'ble Sir ROBERT REID: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 42,08,000 be granted for expenditure under the head "25—Jails and convict settlements."

Sir, there are only one or two points to which I should like to draw the attention of the House in connection with this demand. The first is that while the estimate for 1936-37 approximates very closely to the revised estimate for the current year, it shows a decrease of Rs. 42,000 as compared with the Budget estimates of the current year. The savings which have enabled this decrease to be brought about, the House will find on page 57. I merely mention the point to show that we have been able to effect some economy.

The second point is, as regards the jail manufactures which was a point which came up the other day at the Jails Standing Committee, and to which they gave their attention. There is shown under the head "B4—Supplies and services", page 166 of the Budget, a reduction under the provision for jail manufactures. The red book shows that this decrease is due to a fall in the demand for jail manufactures. Some of the members of the Jails Standing Committee experessed the hope that we might be able to increase the sales of jail manufactures by popularising them somewhat more, and they also expressed the opinion which, I know, is held very widely that a great many of the articles manufactured in the jails, notably, I think, the *durries* and things like that, and mustard oil, are of a superior quality. Personally, I should like to improve the receipts from jail manufactures very much, but there is always this difficulty that when you are dealing with jail manufactures, you have got to avoid the possibility of the criticism that you are competing unfairly with free labour in the open market. As a matter of fact, the rules under which jail manufactures are sold, were laid down by the Government of India a considerable number of years ago, and one of the items which has to be taken into account in the calculation of the cost of an article manufactured in jail is the current rate of wages paid to labour outside the jail. The point, however, is of considerable importance, and I hope to be able to make further enquiries into it.

I find there is a cut motion standing in the name of Mr. H. S. Suhrawardy on the question of overcrowding in jails. That is a subject which has given Government a good deal of anxiety throughout the last four or five years. The fact is that the daily average jail population has, ever since 1930, remained at a very high figure—a figure which is considerably in excess of the registered accommodation in our jails. To explain this, I am afraid I have to trouble the House with a few statistics. In the year 1929, the registered accommodation in our jails was 13,562, and in that year, the daily average number of male prisoners —and I am excluding the smaller classes like females and others—the daily average number was 14,324 which was a comparatively small excess of about 800. Then we come to 1930, when the jail accommodation was increased, owing to the fact that we had to construct or open various special jails to deal with the influx of civil disobedience prisoners, to 16,905, and the daily average then was 19,604. That, of course, was entirely an abnormal time. 1931 was very much the same. Again we raised our accommodation from 16,900 to 18,468, and we had a daily average of 19,104. 1932 again was a bad year; accommodation remained just about the same as the previous year, but the daily average was 22,243. That I imagine was due to the recrudescence of civil disobedience movement early in 1932, when Mr. Gandhi returned from the Round Table Conference and started it again. Then in 1933,

when we thought things might have improved, with a registered accommodation of 17,325, we had a daily average population of 21,143; and in 1934, it was very much the same, the accommodation being 17,534, and the average population 21,615. That is a state of affairs which is bound to give Government a great deal of anxiety. It is true that things have somewhat improved in 1935, but our accommodation even now is a great deal short of what we ought to have. I do not want to go into the causes of the excess of prisoners in our jails; from the Jails Department point of view, all we are concerned with is the fact that we receive during the course of the year a great many more prisoners than we are, properly speaking, capable of accommodating, that is to say, we had to accommodate them in a way which, according to all the canons, was not conducive to health and to maintaining proper discipline and security. What does give one food for thought is, if you make the jails overcrowded, if you take more in them than they can accommodate, you run a grave risk of danger to the health of the prisoners, grave risks of epidemics and also you run a risk in the matter of security as well. Then if you take more men in the jails than they can hold, it means that you cannot provide them with the necessary facilities for work. These are the three evils of overcrowding, but personally I regard the first danger as the most serious. Fortunately, in the last year, owing to the care and attention which our Superintendents of Jails had devoted to their task, we have not had any outbreak of diseases, and we were very fortunate in that respect, but still the danger is there. We have on several occasions tried the most unsatisfactory expedient of what might be called the jail delivery. We have drawn up a list of prisoners in jails and tried to see how many could be let out because of their comparatively trivial offences or because they were within a measurable distance of the end of their terms of imprisonment or for other reasons. But that obviously was a most unsatisfactory palliative, and, in fact, it does not lead us very far. We did release about 1,000 prisoners each year in 1932 and 1933, but naturally the majority of them were short-term prisoners, and it was the long-term prisoners who remained in the jails. If you get, as we have at present, compared with that for pre-1930 years, a large increase in long-term prisoners, that means overcrowding, especially if it continues for a very great length of time. On other grounds also, this palliative is very unsatisfactory, because it is not right and it is not reasonable that a man, who has committed some offence, should be relieved of the necessity of expiating his offence, simply because the Jails Department cannot give him the necessary accommodation. And it is also disheartening to the executive—both to the police and to the magistracy—if they find that the results of all their labour have been thrown away, because the jails have not got the number of cells to put their prisoners in—prisoners whom they took so much trouble to find out and to convict. The result has been that after a very great deal

of consideration, Government very reluctantly came to the conclusion that they must undertake the construction of a new central jail. Fortunately, we were able to reduce the expenditure on a new central jail considerably, owing to the fact that we have decided to utilise, thanks to the kindness of the Government of India, as soon as this grant is passed, the old infantry barracks in Dum Dum. There are four two-storied blocks of buildings there, one of which has already been used as a temporary jail for the last three years or more, and one of which is occupied by a detachment of the Eastern Frontier Rifles. We are going to make use of these four big blocks as a nucleus for the new central jail. That means that instead of having to spend a matter of Rs. 20 lakhs which is the cost of a standard pattern central jail, we are able to reduce the amount to a matter of ten lakhs. In this connection, there is one little point to which I should like to refer to correct a wrong impression that seems to be going about, and that is the idea that this proposal to set up a new central jail at Dum-Dum is indicative of some scheme on the part of Government to start arresting their political opponents. It is nothing of the sort. I saw in *Advance* the other day some remarks which seemed to imply that the real reason for this scheme to construct a new central jail was this: "Government knowing that they were going to thrust a new and a sham constitution upon an unwilling country anticipated that there would be a great deal of opposition to it, and that there would be a recrudescence of some sort of civil disobedience movement, and therefore they are preparing beforehand ample accommodation for the people who are going to take part in this campaign of opposition to Government." There is nothing of that sort behind this proposal. It is merely, as I have endeavoured to show, due to the fact that jails are very seriously overcrowded and we very badly want extra accommodation and Government decided that the need is so urgent that they have got to face the very heavy expenditure that this new construction involves.

Finally, there is just one other little point to which I should like to draw attention under the budget head "25—Jails," that is the item of Rs. 1,000 that has been put for provision of libraries in jails. This is a comparatively new departure. There have always been libraries of sort in our central jails, but they are extremely inferior libraries and it has often been pressed on us by the Government of India—and it is a subject which has been ventilated at conferences of the Inspectors-General of Prison—that in modern times we ought to provide such facilities for educated prisoner. Nowadays the number of educated prisoners in our jails is considerably greater than it used to be in the past, and we ought to provide them with facilities for recreation in the form of reading outside their hours of work, and it is for this reason this amount has been placed in the Budget this year. It is intended to repeat this amount for four years. We will get a good many books for

Rs. 1,000, but we have five central jails and the whole lot of district jails so the amount will not really go very far. If any of the honourable members wish to give away their old books, I am sure the Inspector-General of Prisons will be delighted to receive any such gift and distribute them among his jails.

Dr. AMULYA RATAN GHOSE: Sir, I beg to move that the demand of Rs. 62,000 under the head "25A—Jails—Superintendence" be reduced by Re. 1.

My object of tabling this motion is to raise a discussion on the desirability of releasing political prisoners and detenus. At the time of inaugurating new Constitutional Reforms in the country it has been the practice for the Government to release political prisoners and give them amnesty and as the new Constitutional Reforms are going to be inaugurated in this country very soon, I hope that, at this important time, the political prisoners should be released. By political prisoners I mean those who were not convicted of such charges as murders and dacoities but simply those who were convicted of civil disobedience or some such other offence of much lesser seriousness. The reasons for asking Government to release political prisoners are that the jails are awfully overcrowded and the Hon'ble Home Member has just now said that the question of providing accommodation for the prisoners is engaging the serious attention of the Government. For the last 10 years Government have been looking upon this with anxiety and so far that anxiety has not been removed. So, is it not desirable that those persons in the present condition be released and the overcrowding of jails minimised? For the last couple of years political prisoners are being released by small numbers and by such release I do not think Government has in any way suffered.

The Hon'ble Sir ROBERT REID: On a point of order, Sir. May I suggest to him to elucidate things a little? Will the mover of the motion explain what he means by political prisoners? Does he mean prisoners convicted in connection with the civil disobedience movement, or does he mean prisoners who were not convicted but who are detained under the Criminal Law Amendment Act? These two are quite different. I would rather like to know where I stand.

Mr. PRESIDENT: He excluded only those who committed murders and dacoities.

Dr. AMULYA RATAN GHOSE: I excluded political prisoners who were convicted of such serious offences as murders and dacoities, but I included the civil disobedience prisoners and others who are in jail for offences of lesser seriousness.

The Hon'ble Sir ROBERT REID: None of them are now in jail.

Dr. AMULYA RATAN GHOSE: In the circumstances, as the Hon'ble Member wanted me to define, I think I have defined and made it lucid as to what kind of political prisoners I want Government to release. These political prisoners are being released in small numbers and by so doing I do not think Government have done anything harmful either to the interests of the country or to the Government or even to the political prisoners themselves, and if that principle is followed to the fullest extent, I think, this gesture of Government will be fully appreciated by the public.

Another point which I like to bring to the notice of Government is that if these political prisoners should not be allowed to mix with the most hardened criminals in the jails which is not desired either by Government or by the public. In the Report of the Jail Administration it is said that this mixing up of political prisoners with the hardened criminals are detrimental to both, one imbibing the political thoughts and the other imbibing the criminal ideas which are found in those jail-birds. For this reason also the political prisoners should be released. The condition of the country is such that at present there is practically no political unrest. This has been admitted by Government in many ways and if that be so, I do not think Government need detain these prisoners in jails any longer. Not only these prisoners are inconvenienced in various ways as will be found in the Government report, but also they have no libraries, no opportunities for recreation and sports and there are various other difficulties for which these political prisoners suffer a good lot. In these circumstances, I do not think that these political prisoners should be kept in the jails. If Government had been able to give them all sorts of amenities of life within the jails and also provide accommodation as human beings require, the condition would have been different. If Government thought that by letting out these political prisoners the political atmosphere of the country would be bad and they will do immense harm to the country and add more to the political unrest of the country, it would have been a different thing altogether. Those things do not at present exist in the country, and as the new Constitutional Reforms are going to be inaugurated, the political prisoners ought to be released.

My next point is about the detenus. These detenus have been kept under detention without trial. This has been objected to both from the press and on the platform. No civilised Government in the world keeps under detention anyone without trial. I do not think the Hon'ble Home Member will be able to quote a single instance where such sort of action is taken against anyone who is suspected. In this country alone this sort of thing is found. If there be any reasonable suspicion against

any of those detained, they should have been placed before a competent court for trial and should have been punished and no one would have grumbled. But, Sir, it is certainly a very cruel thing to keep people under detention without giving them the least opportunity for defending themselves or to prove their innocence. It is certainly a very cruel thing to cut them off from their families, to cut them away from their daily avocations and keep them under detention and at the same time not allowing them proper allowances, not allowing them proper facilities for their medical treatment, not allowing them proper facilities for the medical treatment of their children and not allowing them proper facilities for their religious performances which are enjoined on them by their religious scriptures. How cruel is it to keep all these people under detention? I could only point out to the Hon'ble Member in charge of Jails and also to the members of this House in this connection the case of Mr. Sarat C. Bose who was kept under detention. When it was seriously challenged, when it was seriously argued that Mr. Sarat C. Bose was innocent and that he was under false information or misinformation kept under detention, was deprived to carry on his usual legal practice in the High Court and was most unreasonably disallowed to take part in the proceedings of the Legislative Assembly to which he was elected, it was then that these points were taken into consideration by the Government and at long last he was released after about three years of detention. Mr. Sarat C. Bose holds an unique position in our country and it was his case which was considered after too much agitation. Does Sir Robert Reid deny that there may be many such Sarat C. Boses among the detenus of Bengal? The fate of Mr. Sarat C. Bose was changed only by the influence and by the reasonableness of a man of his position. Is it possible for an ordinary being to put forward his case into so much prominence? And what is the result? The result is that they are suffering detention; they are suffering all sorts of troubles and tribulations under the orders of the Government. If these cases are properly scrutinised as was done in the case I have just referred to, then I think the Hon'ble the Home Member will see that there are worst cases than that I have referred to, worst cases of tyranny than of justice meted out to them. Perhaps the Hon'ble the Home Member will say that two High Court Judges scrutinised the papers, but still the fact remains that in spite of such scrutiny by two High Court Judges people have been found innocent and were ultimately released. If the troubles and difficulties of the persons who are kept in detention are described here, I think even the hardest heart will be affected and will sympathise with them. I know at least one gentleman who is now under detention and it is Dr. Charu Chandra Banerji. Before detention he was earning about Rs. 1,000 to Rs. 2,000 a month as an independent medical practitioner He has got two sons both of whom are students in the Calcutta colleges. He has got also a daughter

who has been recently married. Dr. Banerji has without any trial been detained somewhere in Bengal. The house in which he has been detained was once flooded and Dr. Banerji somehow or other saved his life by climbing up on the roof of the House and even when that was under water he swam a certain distance and perhaps got a railway embankment where he could get shelter. He gets a mere pittance as allowance. The expenses of his sons' education are not paid by the Government. These are the conditions in which the detenus are kept. Dr. Banerji is the brother of Mr. J. C. Banerji, the renowned contractor of Calcutta. He is a highly respectable gentleman and is under serious difficulties on account of his detention. There are many other cases which I think I had better leave to be dealt with and described by my friend Mr. P. Banerji who knows much better than myself. All these detenus should be released at once. If Government have got any reasonable doubt, any evidence against them, why do not the Government come before a law court or any other competent court for their trial instead of keeping them under detention without trial? Without some such thing I think nobody in Bengal, be he a Hindu or a Moslem, can be expected to support this illegal action of Government. This action of Government is highly detrimental to the interest of individuals as well as collective institutions. Elections under the new constitution are drawing near, and there might be among those who are now under detention or who are now serving out imprisonment as political prisoners men who could take part in the elections, who might be elected and become very useful citizens and useful members of the Council. So, Sir, the people who have been kept under detention should be released at once and given a fair chance, a reasonable chance to take part in the new Constitution that is coming to us shortly. With these words I commend my motion to the acceptance of the House.

Mr. P. BANERJI: Sir, I rise to support the motion moved by my friend Dr. Amulya Ratan Ghose, and in doing so I suggest that Government should immediately release all political prisoners and detenus as has been requested by the mover of the motion. That is not the request of the mover alone but that is the request of most members of this House who from time to time and on many previous occasions made a similar request to Government. Dr. Amulya Ratan Ghose has said that the reason for releasing these prisoners is particularly to create an atmosphere suitable for the working of the Reforms. Sir, I consider it is quite legitimate, if it is not the intention of Government to shut out the politically-minded people from taking part in the Reforms. The Hon'ble Member has contradicted certain statements which appeared in the press that there was suspicion in the minds of the people that perhaps the creation

of the new jail was due to the fact that before the coming of the new Reforms it might be the intention of the Government to put in more men into it. This has been contradicted by the Hon'ble Member, but at the same time people cannot ignore facts which lie before them. Actually in the countryside we find that people are being shut out of their political activities. Dr. Amulya Ratan Ghose's motion is a very comprehensive one, and when he was moving it, the Hon'ble Member rose on a point of order as to whether the mover was referring to certain prisoners who were imprisoned for their activities as civil disobedience prisoners. Although the civil disobedience prisoners of those days are not in jail, at the same time though the movement has been stopped, there are still individual civil disobedience prisoners in some jails. In many cases, owing to the activities of the Police Department, people have been forced to disobey law and order, and the result has been that the jails have been filled in. I can give several instances where the people have been compelled to break the law. One such instance is that of a gentleman, Babu Nagendra Nath Das of Contai, who was interned in a village 5 miles off from Contai on account of his political activities against union boards. He was asked to attend the thana which was situated about 7 miles off from this place twice a week. One day on account of his sickness he could not come to the thana and sent a letter to the thana officer. The thana officer came to his place and reported that he was really sick. He afterwards attended the thana. But we find that in spite of his being really sick at the time, the matter was reported to the higher officials. He was then arrested and handcuffed and brought before the Magistrate, and that Magistrate imprisoned him for six months. When he was in the sub-jail in Contai, though an M.A., B.L., and a respectable lawyer, he was put into the third division, and the work that was given to him, Sir, you will be surprised to hear, was soorki-grinding. That is the sort of treatment that is meted out to these prisoners. In this way the Government are increasing the discontent in the countryside. The Hon'ble Member has referred to overcrowding in jails, and has pointed out that it is the *bhadrolog* class of people—the educated people—who are overcrowding the jails nowadays, and, therefore, he has very kindly provided for libraries for them, and he has appealed to members of this House to send books for their use, saying that they would be accepted by the Inspector-General of Prisons. Of course, many members would be tempted to send books, but I would like to know from the Hon'ble Member what sort of books will be accepted, so that we can send the right sort of books and can also learn what restrictions will be put upon the nature of the books. We know that in many cases these prisoners are not allowed to read nationalist papers, but only the "Statesman." That is a grievance with them. I have given reasons, Sir, why in the countryside jails are now being overcrowded by these prisoners, who

are all political prisoners. Now, if direction is given to the subordinate police staff in the countryside to behave properly, there will be no necessity for any more prison for political prisoners, and the result will automatically be no further extension of jails and no fresh expenditure for constructing jails, so that the nation-building departments should thrive and not starve. These are the reasons, Sir, and very cogent reasons, which have been advanced by Dr. Amulya Ratan Ghose, so that the Hon'ble Member may be inclined not to add to the number of prisoners, but set the existing prisoners at liberty.

From political prisoners I shall now come to the detenus. The case of detenus is of greater magnitude. It has been pointed out that you have no right to detain persons without trial. If you fail to secure conviction of these persons in the ordinary courts, you ought to give them the benefit of doubt or put them in jail. But if simply you have a doubt against them and no charge which you can substantiate against them, then is it not fair that you should release them forthwith? I submit, Sir, that Government are not in a position to substantiate the charges; therefore, the only logical conclusion would be that these persons have been detained unnecessarily without sufficient cause, and your motive in doing so is that these persons are politically-minded persons; they want freedom and they do not like this sort of administration in the country. They want to fight freedom's battle. You do not like these people, and therefore, you think that, anyhow, on some excuse or other, these persons must be shut out. There is no other reason or argument which Government have put forward from their side, but if that is the position, it is up to Government to declare: "We do not want these people to be released for the simple reason that we do not like them." And not to refer to the action they take before these prisoners are put in jail. Government say that these cases are sometimes placed, in camera, before two Judges, but Judges, mind you, of their own choice. Nobody knows what their opinions are, and recently there has been a change of policy in this matter also, for they give no information to us when we ask questions about them.

With your leave, Sir, I will just now read out a pathetic letter from a lady received by me yesterday.

Mr. PRESIDENT: Order, order. The Council stands adjourned for fifteen minutes for prayer.

(The Council was then adjourned for fifteen minutes.)

(After Adjournment.)

Mr. P. BANERJI: Before we adjourned, Sir, I was going to refer to the pathetic tale of a lady. She is the mother of a detenu and she has written to me a letter.

Mr. PRESIDENT: About the release of a detenu?

Mr. P. BANERJI: Yes, Sir, and it is this.

The Hon'ble Sir ROBERT REID: On a point of order, Sir. If Mr. Banerji is going to read that letter, I think that it should be made available to this House. That, I think, is the usual practice.

Mr. PRESIDENT: Mr. Banerji, are you prepared to disclose the name of the writer of the letter and also make it available to the House? Can you read out the whole of it?

Mr. P. BANERJI: Yes, Sir, I shall read out the whole letter and also make it over to you. The name of the writer is Bhubaneswari Dasi (Mullick), thana Raojan, district Chittagong.

Mr. PRESIDENT: Is she related to the detenu?

Mr. P. BANERJI: Yes, Sir, she is the mother of the detenu.

This letter I received only yesterday, addressed to me as a member of the Bengal Legislative Council and was redirected to my residence. The letter runs thus:

"To MR. P. N. BANERJEE,

Member, Bengal Legislative Council.

SIR,

I am a wretched woman whose only son Sriman Prafulla Narayan Mullik incurred Government's displeasure and has been interned at Meherpur, Nadia, without trial for the last two years. I have none else in the world to call me his own. My husband has become invalid due to old age and infirmity. The expenses of this little family used somehow to be met by my only son. To my misfortune, I received no aid from Government in spite of my repeated prayers, and so I have become unable to procure meals twice a day even incurring debts. Over and above this, I have been informed that my son Prafulla has been on hunger-strike from the 13th December last, has lost much in weight and is unable to move in his bed. I need not, perhaps, state in details to wise persons like you how very anxious the mother becomes when her son is rapidly nearing his end. Having no other alternative, I seek protection from you. My only prayer is

that if you can dissuade him from his promise of sacrificing the life, I, an unfortunate woman, shall get back the life of my only son and remain ever grateful to you.

I have the honour to be,

SIR,

Your most obedient servant,

SM. BHUBANESWARI MULLIK,

P. O. Janalihat, village Chikdai

P.-S. Rauzan (Chittagong).

Dated the 15th March, 1936.

[*P. S.*—A true copy of the letter from the Superintendent of Police, Nadia, describing his present condition is sent herewith.]"

(*True copy.*)

No. T77.

D. I. B., Nadia (Krishnagar).

Dated the 9th March, 1936.

BABU RAMESH CHANDRA MALLIK,

Village Chickdail, P. O. Janalihat, P.-S. Raozan, district Chittagong.

He is hereby informed that his son, detenu Babu Prafulla Chandra Mallik, is still continuing hunger-strike. He is bedridden, losing weight steadily and getting weaker.

(Sd.) S. GUPTA (*10th March*),

Superintendent of Police.

Now, Sir, this letter is a specimen from which we can know the sufferings of detenus in unknown places, and uncared for. The difficulty is that, nowadays, Government have framed such rules that no newspaper can publish any news about the detenus and also of their relations. In this particular case, perhaps the Hon'ble Member will be very sympathetic when he reads the letter and goes into the details. He will find that this detenu is the only son of his parents and was the only earning member of his family and that their parents depended entirely on his income, but the family has had no allowance

whatsoever from the Government. The result is that for the last two years they have been starving, while, at the same time, their son, too, the only hope of their old age is going to die. May I know what Government are going to do in this matter? It is not possible for these poor people to come all the way from Chittagong to Nadia and persuade their son to give up the hunger-strike which he has resorted to from the 13th December last. I do not know why he is on hunger-strike—whether it is in sympathy with their starving and dying parents or whether on account of any ill-treatment he has received at the hands of the authorities. It is up to the Hon'ble Member to make an enquiry, but was it not fair on his part—when a man was fasting from the 13th December last—was it not right on his part to make at least an attempt to make arrangements for his poor parents to come to his bedside and persuade him to give up hunger-strike? He could easily have done this, but this has not been done and he is still on hunger-strike. There is still life in his body, and is it not still possible to bring his mother or any near relation to persuade him to give up hunger-strike or even for any high officer of Government to go into the details of the case and enquire why this man was going to die? Sir, life is most valuable to every man, but why is it that this young man is going to give up his life?

(At this stage the member reached the time-limit, but was allowed by the Hon'ble President one minute to finish his speech.)

In this case, particularly, although there are many other such cases, Government have refused to give us information. My request to the Hon'ble Member is that he would kindly go into the details of this case and similar other cases. I submit, therefore, Sir, that the only solution of the detenu problem is that the detenus should be forthwith released.

With these words, Sir, I support the motion before the House.

The Hon'ble Sir ROBERT REID: Sir, Dr. Amulya Ratan Ghose, according to his usual practice, has puzzled me a good deal, and I found it rather difficult to follow what he was driving at. He talked for a considerable time about, what he was pleased to call, political prisoners. At first, I thought he was mixing up convicts in jails with detenus; then, I thought he was probably referring to prisoners convicted in connection with the civil disobedience movement; and then I did not know what he was talking about. But as far as I could make out, he was not talking about detenus when he was referring to political prisoners. He was talking of persons, I surmise, who were convicted in connection with the civil disobedience movement. My answer to that is quite simple, because at the present moment there is not a single prisoner in our jails who was convicted for offences in connection with the civil disobedience movement. I will qualify

that remark in case I am misunderstood in any way by saying this, that there are a certain number of convicts in our jails—I forgot the exact number, but it is quite small—who were convicted in connection with an offence which was an outcome of the civil disobedience movement, namely, the atrocious murder of a sub-inspector of police at Chechua Hat in the district of which we have heard so much lately—I mean the district of Midnapore. These prisoners were wrongly termed in our returns as civil disobedience prisoners. I have had that altered, because, I think, the civil disobedience movement being, *ex hypothesi*, a non-violent movement, could not possibly claim a prisoner who was convicted in connection with that particular crime. The answer as regards prisoners convicted in connection with the civil disobedience movement is that we have none. So, the question of releasing such prisoners, which Dr. Ghose asks us to do, does not arise.

If he means by political prisoners, prisoners who may be of the same class and type as those who were convicted in connection with the civil disobedience movement, but who have been convicted and placed in jails in connection with definite crimes against the State or against the subjects of the State, then my answer is that there is no ground whatsoever for releasing them. They have been tried in courts, convicted of offences and sentenced to imprisonment, and there is no reason whatever for releasing them now in connection with the inauguration of the new Constitution or anything else.

Then he proceeded with the question of release of detenus. Actually in jails at the present moment, we have not a great many detenus. There are, I think, 84 detenus. Then Dr. Ghose made one misstatement, and that was that this sort of detention without trial occurs in no other country except India. I can only assume that he has never read the recent history of Germany or of those other countries where Governments have not only placed in detention persons who were in their opinion engaged in subversive or revolutionary movements, but also have not hesitated to use such powers to deal with their political opponents. The fact is that when a Government is up against, as we have been and still are, a revolutionary conspiracy the object of which is to subvert ordered Government by means of terrorism and by means of murder, then it has got to take special means to deal with it. The ordinary law was never designed to deal with a conspiracy of this nature; it is neither suited to deal with, nor is capable of dealing with it. The present wave of terrorist activity which dates from the year 1930 was of such a scale and intensity that it was quite impossible for Government to do its duty by the State and by the subjects of the State unless it took the special measures. That this policy of Government is reasonable has been endorsed by this House times out of number when they have assisted us in passing various measures designed to deal with these menaces to the Constitution and to the State. It is

in fact a measure of self-defence, and I claim that its value has been proved by the fact that during the last two years or so there have been no terrorist outrages. It is begging the whole question to assume, as both of the last two speakers have done, that men who are under detention are innocent, simply because they have never been brought to trial. As has been stated often in this House by myself and by my predecessors, their cases have been very carefully examined, and it is only after such careful examination that a decision is given to keep them under detention. As regards letting them out, Dr. Gose talked about an amnesty—the beautiful effect that a general amnesty would have on the occasion of the inauguration of the new Constitution. I can only suppose that unlike the supporters of his motion, he thinks that the new Constitution is going to be a boon to the country. Because if like Mr. Banerji he considers that the new Constitution is a sham and is going to confer no benefit on the country at all, then it ought to be utterly wrong to celebrate the inauguration of such a miserable affair as this new Constitution by releasing the detenus.

Sir, we have had in this province very bitter experience of a policy of general release. The first time it was made was in 1919 at the end of the War. Under the Defence of India Act, a large number—though nothing like the number we have had to deal with during the last six years—of men were detained, and they were released in 1919. They at once took the opportunity between 1919 and 1924 to start their activities again, and in 1924, owing to the conditions which had been brought about, it became necessary first to promulgate an Ordinance, and subsequently to introduce the Bengal Criminal Law (Amendment) Act, 1925—an Act which by the way had to be certified —rather a striking contrast to the way in which this Council have accepted and helped us to pass subsequent Acts of the same nature. Again, in about the year 1928, after the Act of 1925 had been in force for some time, there was a policy of steady release of detenus. What happened then? They used that opportunity to reorganise themselves, to recruit new members and generally to re-establish their strength; and the result of all that organisation was the events of April, 1930, in Chittagong and the long series of outrages which occurred between 1930 and 1934. Fortunately, since 1934, we have almost been free from these outrages, and I claim that our recent freedom from such outrages is due to the measures which we have taken including detention of revolutionaries, either in camps or jails or in home or village domicile, and due also not less to the vigilance of our police officers. It would be, in the opinion of Government, unwise to accept any proposal that there should be a wholesale release of these men. Government would not be doing their duty to the province if they did take that step. On the other hand, we are pursuing a policy of steady release, wherever possible. When it becomes a question of releasing men of this type, Government has to undertake a great responsibility,

and that is why it may appear that releases are going on slowly A considerable number of detenus have been released on giving money bonds for their good behaviour; a considerable number have been released without conditions; and a considerable number, as I told the House yesterday, have been taken into the training camps for industries and agriculture which we have recently opened, and we very much hope that the young men who have offered themselves for this training, will, by that training, have their minds diverted from their previous inclinations, that they will find that it is possible to earn a good living in these various ways, and we also hope that they will, therefore, give up the habits on account of which we had to put them under detention. But to take the risk of a general amnesty or release is a matter which Government cannot at present contemplate.

Mr. Banerji ended by referring to a letter of which he promised he would give me a copy. He has been told that the detenu concerned was on hunger-strike, and he said that he did not know himself why he was on hunger-strike. Mr. Banerji expects me to find out, as he usually does in such matters, and he also said that the parents did not get any allowance. Sir, the rules about the allowance are quite clear; if the man who has been put under detention has been earning nothing, Government take the view that it is not necessary to give his relatives any allowance, because by taking him away, we are not depriving his relatives of any source of income. As regards hunger-strike, I cannot believe, as Mr. Banerji would have us believe, that no information was given to the parents on the subject. We have got very strict rules to the effect that if any detenu or anybody in jail for the matter, has started a hunger-strike and intends to go on, the parents and guardians must be informed at once, and asked to come, and, if possible, to persuade the person on hunger-strike to give it up.

That is all that I have to say on this subject, Sir, and I beg to oppose the motion.

The motion was put and lost.

Adjournment.

The Council was then adjourned till 3 p.m. on Friday, the 20th March, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 20th March, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 91 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Externee Babu Manmatha Nath Das of Midnapore.

*60. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) whether it is a fact that the residence of Babu Manmatha Nath Das, a pleader of Midnapore, was searched and articles and books were destroyed by the Military and the police after the murder of Mr. Burge;

(*ii*) whether it is a fact that he is externed from the district of Midnapore; and

(*iii*) whether it is a fact that he applied to the District Magistrate to allow him to go to the Midnapore town only on professional calls?

(*b*) If the answer to (*a*)(*iii*) is in the affirmative, what is the result of his application?

(*c*) Is it a fact that other pleaders who were similarly externed are allowed to go there on professional calls?

(*d*) If the answer to (*c*) is in the affirmative, what are the reasons for the differential treatment?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) (*i*) His house was searched after the murder of Mr. Burge but no books or articles were destroyed.

(*ii*) and (*iii*) Yes.

(*b*) It was rejected.

(*c*) No. But similar orders against two other pleaders were subsequently cancelled.

(*d*) Does not arise.

Maulvi SYED MAJID BAKSH: With reference to answer (*b*), will the Hon'ble Member be pleased to state on what ground the application was rejected?

The Hon'ble Sir ROBERT REID: Because it was considered not advisable to allow him to return.

Maulvi SYED MAJID BAKSH: What were the grounds?

The Hon'ble Sir ROBERT REID: Public safety.

Mr. P. BANERJI: With reference to answer (*c*), is it not a fact that these two lawyers were at least allowed twice to attend the Midnapore Court?

The Hon'ble Sir ROBERT REID: It is quite possible, Sir: I do not know.

Mr. P. BANERJI: If that is a fact, then why in answer to question (*c*) the Hon'ble Member says "no"?

The Hon'ble Sir ROBERT REID: I am afraid, Sir, I do not understand the question.

Mr. P. BANERJI: My question is whether these two pleaders against whom orders were passed not to appear before the Midnapore Court and subsequently withdrawn, were allowed to appear before the court at least twice: and will the Hon'ble Member be in a position to contradict me when I say that they were allowed to do so?

The Hon'ble Sir ROBERT REID: I am not in a position to contradict that.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to tell us whether it is a fact that the order of internment against these two officers has since been withdrawn?

The Hon'ble Sir ROBERT REID: The answer is there.

Mr. P. BANERJI: My question is whether the order of internment not to appear before the Magistrate has at all been withdrawn, and one of them is practising in Midnapore and one in Calcutta.

The Hon'ble Sir ROBERT REID: It is not an internment order but an externment order. A similar order against two other pleaders was cancelled and I think that is quite clear.

Rural Development.

***61. Dr. NARESH CHANDRA SEN GUPTA:** Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) how many meetings of the Economic Enquiry Board have been held in the past year;

(*ii*) what questions have been referred by the Government for the consideration of the Board during the past year and what progress has been made by the Board in the consideration of each;

(*iii*) what practical works of rural improvement or development have been done or have been undertaken by the Development Officer since the appointment of the present incumbent apart from framing schemes or promoting legislation;

(*iv*) what has been the total expenditure on the staff, travelling expenses and contingencies for the Cabinet Economic Committee, the Board of Economic Enquiry and the Development Officer, including his salary, since the inauguration of the Cabinet Economic Committee; and

(*v*) what is the present staff of the Rural Development Officer and their emoluments?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Mr. Khwaja Shahabuddin): (*i*) Two; in addition two Sub-Committees met several times.

(*ii*) (1) Economic position of weavers in Bengal.

(2) Possibilities of increasing the production of bamboo in the districts round Calcutta for the paper making industry.

(3) Consolidation of holdings.

(4) Increase in the supply of material for bone mills by organising dumps and improving transport.

(5) Supply of machines to cultivators for the manufacture of *gur* and sugar in areas where there are no mills.

As regards (1), the survey is in progress. As regards the other matters the Board is considering the line of action to be taken.

(*iii*) The Development Commissioner was not appointed for the discharge of function of an executive character but as an exceptional arrangement he has been entrusted with the organisation of the jute restriction scheme.

(*iv*) and (*v*) Statements are laid on the Library table.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state how long the survey of the position of the weavers has been going on?

The Hon'ble Mr. Khwaja SHAHABUDDIN: Two months. There is one district, viz., Dacca, and two unions where survey is going on and four men have been employed in this work.

Babu SATISH CHANDRA RAY CHOWDHURY: Is this survey carried out by the Board or by local officers?

The Hon'ble Khwaja SHAHABUDDIN: By officers under the Board.

Babu SATISH CHANDRA RAY CHOWDHURY: How long the services of the Development Commissioner will be retained for the purpose of the jute restriction scheme?

The Hon'ble Khwaja SHAHABUDDIN: At present I can say that at least for the next year.

Babu SATISH CHANDRA RAY CHOWDHURY: Is there a special officer also for the purpose of the organisation of the jute restriction scheme?

The Hon'ble Khwaja SHAHABUDDIN: Yes, Sir, not organisation but for the purpose of propaganda. The Rural Development Commissioner's work is not only confined to jute restriction work but also to various other activities.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state what other functions he has got to perform besides jute restriction scheme organisation?

The Hon'ble Mr. Khwaja SHAHABUDDIN: The House is well aware of the varied functions of the Rural Development Commissioner who is responsible for the preparation of the schemes and helping in legislation of Rural Development Bill, the Indebtedness Bill and the Water Hyacinth Bill.

Babu SATISH CHANDRA RAY CHOWDHURY: Cannot the jute restriction work be carried on by the special officer and the other officers, apart from the Development Commissioner?

The Hon'ble Mr. Khwaja SHAHABUDDIN: The special officer does the propaganda work under the supervision of the Development Commissioner.

Babu HEM CHANDRA ROY CHOUDHURI: With reference to answer (5) will the Hon'ble Member be pleased to state in which districts these machines have been supplied to cultivators for manufacture of gur and sugar.

The Hon'ble Mr. Khwaja SHAHABUDDIN: The machines have not yet been supplied but the proposal is under consideration.

Babu HEM CHANDRA ROY CHOUDHURI: Does not the reply convey the meaning that the machines have been supplied to certain districts?

The Hon'ble Mr. Khwaja SHAHABUDDIN: If the hon'ble member will read the question carefully he will find that the reply is with reference to question as to what matters have been referred to the Economic Board.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state how long will the Board take to consider the matter?

The Hon'ble Mr. Khwaja SHAHABUDDIN: It is not possible to say what time they will take to come to a decision in this matter.

Rai Bahadur SATYA KINKAR SAHANA: With reference to the five questions will the Hon'ble Member be pleased to state whether these matters have not been before the Government for their consideration for a long time; if that be so, what new consideration the Board is making and how long it will take for the consideration to take a final shape?

The Hon'ble Khwaja SHAHABUDDIN: I have already given the answers and I have nothing further to add.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1936-37.

DEMANDS FOR GRANTS.

25—Jails and Convict Settlements.

Motions for reduction or refusal.

Khan Bahadur A. F. M. ABDUR-RAHMAN: Mr. President, Sir, I beg to move that the demand of Rs. 3,58,000 under the head "25A—Jails—Subsidiary Jails" be reduced by Rs. 100. Sir, last year I brought a similar motion to bring to the notice of the Hon'ble Member about the overcrowding of population at the Basirhat Sub-jail and by a comparative statement I showed to the Hon'ble Member about actual extent of overcrowding from year to year from 1930-34. Sir, since then the position has not changed in the least. The present capacity of the jail is 18 male, including 9 in General Ward and 9 in Workshed, and 3 female, total 21. Sir, I give below a comparative figure of overcrowding in the year 1935, month by month, with number of days of overcrowding and their daily average.

Whole of January	..	53·84
Whole of February	..	44·21
Whole of March	..	44·94
Whole of April	..	42·0
Whole of May ..	..	49·9
Whole of June ..	..	40·87
Whole of July ..	..	40·25
Whole of August	..	52·96
Whole of September	..	42·9
Whole of October	..	27·96
Whole of November	..	42·66
Whole of December	..	39·9

So, Sir, from these comparative figures it is evidently clear that there was overcrowding throughout the year and this was not a temporary overcrowding for any particular reason.

Sir, the Hon'ble Member in his reply last year had been pleased to recognise the necessity of the extension of the Basirhat Sub-Jail. Sir, the scheme is ready and also it has got administrative approval. Now the only question left is about the allotment of funds and for that, Sir, only a little genuine sympathy of the Hon'ble Member is needed and I hope, Sir, he will not be a miser in showing it.

The Hon'ble Sir ROBERT REID: The mover of this motion has stated all the facts of the case and I have no fresh information to give to this House on the subject. As he very rightly pointed out, it is a matter of provision of funds. The extension of Basirhat Sub-Jail is, I freely confess, a scheme which has been under consideration since as far back as 1926 when plans and estimates were drawn up. I have no doubt that the figures that the Khan Bahadur gives are perfectly correct, but it was found impossible to provide necessary funds in this year's budget, and we simply had to cut it out, like many other important and deserving schemes, in order to allow funds to be allotted for more important and pressing schemes. I can only assure the mover that I am quite certain that the future Government will, when funds are available, not forget the needs of Basirhat.

The motion was, then, by leave of the House, withdrawn.

Kazi EMDADUL HOQUE: I beg to move that the demand of Rs. 3,58,000 under the head "25A—Jails—Subsidiary Jails" be reduced by Rs. 100 (extension of Kurigram Sub-Jail).

I have also, like Khan Bahadur Abdur Rahman, come with a local grievance. The Subsidiary Jail at Kurigram has accommodation for 17 prisoners including accommodation for two females. But, Sir, in this jail no less than twice the number are ordinarily housed and in abnormal times it is found that as many as 60 or 70 persons are accommodated. The attention of the jail authorities, I mean the Inspector-General of Prisons, was drawn to this state of things times without number but with no effect. Non-official as well as official visitors of the jail recorded their observations to this effect; and for special consideration of the authorities the remarks were sent to the Inspector-General but without any effect. I myself tried to seek remedy by representing the matter to Government but I have met with no success. So I have thought fit to ventilate the grievance in this Council with the hope of evoking the sympathy of the Hon'ble Member in charge of the Department. The remarks made by the official and non-official visitors of the jail will no doubt convince the Hon'ble Member the real state of things. But if these remarks have no value it is no use to have non-official visitors.

Government, Sir, is responsible for the health of the inmates of the jail and jail is an institution which is not designed for the purpose of retaliation. It is understood that a jail is designed for disciplining the people that it receives as inmates. When the jail authorities take charge of the persons they must take upon themselves the responsibility of disciplining them to be good citizens, so that when they come out to the society they would become useful members of the society, and will come out with the same physique if not in a better state of health than when they entered it. But if in place of 17, 71 men are housed in a sub-jail and even if the small compound before the dormitory is used as cells, the position is hopeless. I think it is time that the Government should move in the matter and they should take the matter up to redress the grievances. I will not take much time of the Council and hope that the Hon'ble Member will see his way to take steps so that he may not give us occasion to trouble him further on this subject.

The Hon'ble Sir ROBERT REID: My answer to the Kazi Saheb must inevitably be much the same as it was to the mover of the last motion. There is nothing I should like better than to be able to put into the jails budget a sufficient sum of money to provide accommodation for 71 persons in the Kurigram sub-jail, just as I should like to put in the jails budget provision for sufficient accommodation in the Basirhat sub-jail for which Khan Bahadur Abdur Rahman spoke. But the money is not there and the Jails Department had to be content with what they got. As a matter of fact, they have got a goodish lot in this year's budget, but not sufficient for all the needs of the Department. I can only assure the mover of this cut motion that the sympathy is there but the funds are not, and I hope he will realise that that is the sole reason why the needs of Kurigram has to be neglected in the present year's budget. I must oppose the motion, Sir, unless Kazi Saheb withdraws it in view of my observation.

Kazi EMDADUL HOQUE: I beg to withdraw the motion.

The motion was, then, by leave of the House, withdrawn.

Dr. AMULYA RATAN GHOSE: If you will allow me, Sir, I may move motion No. 436 and No. 438 together as they are identical.

Mr. PRESIDENT: You can do so if the Hon'ble Member in charge of the Department has no objection.

The Hon'ble Sir ROBERT REID: Although these two motions are not identical and one speaks about jails outside Bengal and the other about jails in Bengal, I do not mind his moving the two together.

Dr. AMULYA RATAN GHOSE: I beg to move that the demand of Rs. 5,31,000 under the head "25A—Jails—Distribution by jails—(*g*) (*i*)—Charges on account of persons detained outside Bengal under the Bengal Criminal Law Amendment Act, 1930" be reduced by Rs. 100 (grievances of these prisoners).

Also to move that the demand of Rs. 64,000 under the head "25A—Jails—Distribution by jails—(*g*) (*ii*)" be reduced by Rs. 100 (grievances of the prisoners and the inadequate medical, housing and other arrangements, treatment of the prisoners by the staff).

Yesterday I tried my best to be lucid but I do not think I could impress much upon the Hon'ble Member regarding the release of prisoners. However, on this occasion I hope that I shall be able to make things clear as regards the class of prisoners that I shall speak on. There is such a lot of things regarding the grievances of these prisoners that it is not possible for me to enumerate them all. First of all, Sir, the grievance is that division I and II prisoners are not allowed to receive parcels sent to them and they are either returned to the places from where they came or forfeited. There is another common grievance of the prisoners and that is that they are not given good food, I mean food one would expect to be fit for human consumption, and for this reason there are hunger strikes in several jails outside Bengal and the fact is not unknown to the Government also——

The Hon'ble Sir ROBERT REID: Which jails?

Dr. AMULYA RATAN GHOSE: At Deoli there was hunger strike I think, and also there was hunger strike at Port Blair. Moreover, Sir, these jails are very poorly provided with equipments of medical treatment and doctors. These are things very commonly complained of by the jail population outside Bengal. Again, as far as I know the treatment meted out to the prisoners is very rude and rough. They are subjected to all sorts of torture in the garb of jail discipline. These are facts which have led me to table this motion. There are numerous reports of this kind of trouble coming from jails outside Bengal. Sir, if you will allow me, I shall read out a few of the letters which I have got from the guardians or parents of these prisoners.

(Here the member read out a Bengali letter.)

That has been written by one Ramapada Mukharji. Perhaps the Hon'ble Member has not understood the language which I may shortly explain to him. The complaint is that his son Abhoy Pada Mukharji who is in the Andamans for the last 4 years has not sent any letters for the last 4 months. The mother of the prisoner is very sick and the only

consolation is the news of her son from a letter. As the guardians are too poor to go and see with their own eyes the condition of their son their only consolation is that a letter should reach them in time, and they should know about the condition of their son and even that was not forthcoming. Another one is from a gentleman whose name is Nando Lal Guha, Pleader, Judge's Court, Chittagong. He complains that his son Saroj Kanti Guha, P. I. 146, is a political prisoner in the Cellular Jail, Andamans. That he was sentenced to transportation for life in the Chittagong Armoury Raid case but there was a recommendation for clemency as he was aged only 15 years at the time the offence took place. That Saroj Kanti was arrested in Noakhali and was brought over to the Chittagong Jail; while in custody in the Chittagong Jail he was hurt in his right eye by a stone thrown by some one; that for some months he suffered acute pains in his eyes and there was no proper treatment and this fact was also brought to the notice of the Tribunal before which he was undergoing his trial. That in fact Saroj Kanti lost sight of his right eye. Mr. S. N. Mitra, the then member of the Council, was asked to take some interest in the matter and wrote to the Chief Commissioner of the Andamans about it but no redress was accorded to the aggrieved. Another one comes from the father of a prisoner who writes (the member read the letter in Bengali) and said that the name of the prisoner was Nando Dulal Singh.

These are the few letters which I had in my file to place before the House and also before the Hon'ble Member for consideration. As for the general complaint of the prisoners something appeared in the issue of the "Advance", dated the 27th June, 1935. It said "But the continuous provocative insult from the side of the jail authority caused so much exasperation that the prisoners individually took drastic steps. The consequence was that Messrs. Probir Goswami and Sudhendu Dam were whipped. Dam was a suspected T. B. patient and was suffering from fever at that time. He was dragged out from the hospital and was punished with thirty lashes. But this was not all. Their remissions were cut, they were segregated for full one year and even they were not given adequate diet. They were disclassified, they were not allowed with any light and were deprived of all the facilities of even Division III prisoners."

There are other matters which deserve consideration of the Hon'ble Member. The complaints about books and periodicals are these: "the library which was the product of the joint contribution of the P. I. prisoners. The Government granted Rs. 300 for the books. The prisoners asked from that amount a few copies of books on history, geography, economics and general science. But the prisoners' choice was scoffed at. The local authority supplied them with a few copies of detective novels of Edgar Wallace and Conan Doyle, a few copies of romantic novels

of Sir Walter Scott and few other stray books not at all worth reading. The prisoners requested the Superintendent not to purchase these books as neither they did require them nor they would be benefited by these books. But the Superintendent paid no attention to it." Another portion of the narrative which deserves attention is "And when the rain sets in the shade is practically washed with water. There is no arrangement of seats inside the room. The equipments of the library consist of a few almirahs and one old worn out table; and this is the so-called library and the reading room." Sir, however, regarding food supplies it says "The water which the prisoners get is rain water collected in some tanks outside the jail from which it is carried through pipes".

The Hon'ble Sir ROBERT REID: On a point of order, Sir. May I suggest that it would be simpler if Dr. Ghose distributed copies of that issue of the "Advance" instead of reading from it.

Mr. PRESIDENT: You are reading copious extracts from newspapers but have you verified the statements made therein? Have you any personal knowledge of the incidents referred to, or have you satisfied yourself as to the accuracy of the reports you have just read out by coming in direct touch with such men as possess firsthand knowledge in respect thereof?

Dr. AMULYA RATAN GHOSE: Yes.

Mr. PRESIDENT: You had better speak on your own motion on the strength of knowledge derived from people who have personal knowledge of those matters.

Dr. AMULYA RATAN GHOSE: Prisoners who were in the Andamans and were released after their due time had related these things to me and I am speaking on what they related to me. Of course that report also appeared in the "Advance" and in order to put it in a more methodical way I was using that paper, otherwise I gathered the facts from them.

Mr. PRESIDENT: You had better give your own impression; it creates a very unfavourable impression when you go on reading from one end of the paper to the other.

Dr. AMULYA RATAN GHOSE: These are the various things that go on in the jails. They compel the prisoners to go on hunger strike and this is the case about Andamans. Jails outside Bengal are too prominent before the eyes of the public and therefore we hope that the Hon'ble Member will give due consideration to this.

As regards my other motion the grievances are practically the same and these grievances have been admitted even by the Government of Bengal in their report. This is the report that was available to me and it was the report for the year 1934 and in this report it is mentioned that 246 prisoners died out of a total of 64,830. This is not a mean figure that out of that total so many people should die in jails. If this death had been due to any other causes then there would have been not much cause for complaint.

(The time allotted to this head having been reached the member had to resume his seat.)

Both the motions of Dr. Amulya Ratan Ghose were put and lost.

The original main demand was then put and agreed to.

26—Police.

The Hon'ble Sir ROBERT REID: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 2,12,01,000 be granted for expenditure under the head "26—Police".

Sir, I do not propose to take very long in commenting on this item of the budget. I am sorry I cannot point to any striking reduction in the budget demand as compared with last year, but on the other hand, unlike my position this time last year, I have not got to endeavour to defend a large increase over the budget estimate and actuals of the previous year. Last year I had to ask the House to agree to granting a sum which amounted to Rs. 7 lakhs in excess of the actuals of the preceding year of which we had figures, and on that occasion I defended this demand on the ground that, high as the expenditure was, it was not more than was called for by our past experience and by what Government believed to be the present state of affairs and the possibilities of the future. It is, as I said then, a form of insurance. The premium is a heavy one but the risks at stake are heavy too, and with our experience in this province of the menace of terrorism which is still there (though I am glad to say that Government feel that the police are on top of the terrorists), with our experience of the subversive movements of the last 5 years, Government could not but decide to maintain their expenditure on the police at this high figure. The total budget grant asked for this year including both voted and non-voted—the motion which I moved is of course for voted alone—is Rs. 2,30,49,000 as compared with the revised estimate for the current year of Rs. 2,29,62,000 and the budget estimate for the current year of Rs. 2,29,93,000. In other words, there is a small increase in the estimate this year of Rs. 87,000 over the revised estimate and Rs. 56,000 over the budget estimate. If, on the other hand, we take the voted side, there is an increase of Rs. 77,000

over the revised estimate of 1935-36 and an increase of Rs. 38,000 over the budget estimate of 1935-36. The figures, therefore, do not differ very much from those which I presented last year, but the chief point to which I desire to draw the attention of the House is that Government are far from being unmindful of the necessity of endeavouring to secure economy, wherever economy is possible. Partly for this reason and partly because they considered it was time to review the situation as regards our police forces in the province, they had an enquiry made first into the Calcutta police—that was made last year by a special officer—and secondly, into the Bengal police by one I.C.S. officer and one police officer jointly. The Bengal police enquiry covered two specific aspects of the police, one being the general force and the other the Intelligence Branch. The examination of the results of those enquiries is not yet complete, but I am able to say that so far as the Calcutta police is concerned, the Commissioner, though no doubt reluctantly, and I pay him tribute for overcoming his reluctance, has non-the-less agreed that we can reduce one of the armed companies of police in Calcutta by half which means an annual recurring saving of Rs. 28,000, and in connection with that there is also a saving on account of rates and taxes, because the remainder of this company has been housed in the Training School building at Dalanda instead of in the Army Clothing building at Alipore. That means a saving in rates and taxes, and I hope it will conduce to the health of the men, because the Army Clothing building was far from satisfactory, whereas the other quarters where they are now are much better. That is one item of saving I am glad to be able to announce. That company I may mention was raised on a temporary basis I think in 1931 or thereabout, anyhow at a period within the last five years when things were greatly more disturbed than at present. The question no doubt which members will put in will be "why not reduce the whole company?" The reason is that we have still to use a great number of men on special protection duty, I mean the protection of officers and places against possible attacks by terrorists. We cannot yet relax or give up our precautions against that particular menace. Had we not to do that I would not have the slightest hesitation in reducing our forces still further. Another item on which it is intended to effect economy and on similar grounds is that we propose to make a reduction of a certain number of the extra European police sergeants who were recruited in 1931 as a reinforcement to our police in Calcutta when times were disturbed and when terrorism presented a more menacing form than at present. That will also enable us to save, I think, Rs. 65,000 annually. There are a number of other recommendations named in Mr. Stevens' report which are still under consideration and I hope we will be able to effect more savings during the course of the year, but it takes a considerable time to examine those recommendations and Government are in a responsible position in dealing with this question of reducing its protective forces.

As regards the Bengal Police, I am unable to say very much. It is not very long since we received the report of the officers who enquired and the examination has only recently commenced, but judging from a perusal of the report I would not like to hold out any very sanguine hopes to this House that in the Bengal Police any very great reduction of expenditure will be possible. I hope there may be some possible, but on the other hand these two officers in their enquiry into the organisation of the police force in the province have found various anomalies, various cases where the sanctioned forces in certain places and for certain purposes are far below what they ought to have been and in some cases they recommend an increase. But the net result if there is to be no saving in expenditure will be that the tax-payers will get better value of their money and that is something.

There is very little in the way of new expenditure to which I can draw attention. There is one thing from the point of view of the forces and I am glad to have been able to induce my colleagues to agree to put it into the budget, and that is an item shown on page 59 of the red book—Revision of emoluments of the sub-inspectors of police employed in the finger print bureau of the Criminal Investigation Department at an annual cost of Rs. 4,908. The reason for that revision—of course it means an increase because they will get increased allowances—is that these officers who are employed in the finger print bureau are specialists. They come into the finger print bureau which is a special technical branch of the administration and once they are there they are expected to stay there. The result is that they lose the chances of promotion to higher posts which their fellow officers in the ordinary branch of the service expect to have. It is an old complaint with these very deserving officers— and they are certainly a very deserving body of men, hard-working, intelligent and earnest in their duties—it has been a long grievance with them that they are kept doing this work which Government are anxious that they should do and yet at the same time they are deprived of their chances of promotion and get nothing extra. So I hope the House will see anyhow that this is passed.

I do not think I need detain the House any further in my explanatory remarks as I will have plenty of opportunities to speak in connection with the cut motions.

Motions for reduction or refusal.

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that the demand of Rs. 79,650 under the head "26A—Presidency Police—Superintendence—Pay of officers" be reduced by Rs. 100.

Sir, I want that rules should be framed with a view to ensure the closing of all *pan* shops in Calcutta after midnight in winter and 1 a.m. in summer. For some time past I have been placing this subject before

the Legislative Council, but unfortunately I could not succeed in getting an opportunity to bring before the House all that I felt about the *pan* shops in Calcutta. I must begin by saying that there seems to be a colossal amount of ignorance amongst my friends in this Council about what goes on in Calcutta, especially in connection with these *pan* shops. I am not surprised at that. *Pan* shops are considered to be derogatory and most of my friends who sit here have poor knowledge about them. My *mufassal* friends, who come to Calcutta, walk in very selected streets of the city and whenever they have to go from one place to another they go in motor cars. They seldom come in contact with what is actually going on in Calcutta. Some of them take pride in being above knowing what a *pan*-shop is. But fortunately or unfortunately I stand on a different footing. I am a citizen of Calcutta and I take pride in being conversant with all that goes on in Calcutta. Calcutta is my birthplace and I have been here ever since and am now grown old here. I have known what Calcutta may take pride in or for which Calcutta may be altogether ashamed. I am perfectly certain that when I mention my points about *pan* shops my friends who are willing to help Calcutta to ameliorate her condition, would not feel shy in being associated with me. But it is no use trying to induce people to understand things when they are bent upon not doing it. However, there is no harm in hearing from me what actually goes on in most of the *pan* shops in Calcutta. My European friends may wonder as to what a *pan* shop is; but at any rate, my Indian friends need not be told what it is. Those Europeans who have lived in Calcutta for sometime past must have noticed the small shops where betel prepared ready for chewing is put up for sale along with sundry other things. These are ordinarily called *pan* shops. There are, I think, in Calcutta and its neighbourhood, about 3,000 to 4,000 *pan* shops. They mostly—I would not say all of them, but a large majority of them—belong to non-Bengalis. Only a very few of them are found to belong to Bengalis, whether Muhammadan or Hindu. Mostly they are owned by people who come from Bihar, Orissa, Central Provinces, North-West Provinces and other provinces outside Bengal. I am sorry to say that some of these *pan* shops belong to women also. Many may not know, but about 40 years ago, there were rows of *pan* shops near about Halliday Street quarter mostly belonging to Muhammadan women; but with the help of the police they have been done away with. I need hardly say that these shops were kept by low women—you can well understand what was going on there—they have rightly been done away with. Some such *pan* shop may be seen here and there, but I am glad to say that Calcutta has practically been cleansed of these dirty women *pan*-shopkeepers who hovered very largely round about certain quarters in those days. I believe I am perfectly right in saying that the majority of the existing *pan* shops in the city belong to unruly people and a large number of them are owned by what we may call *goondas*.

I would not make an indiscriminate remark that all of them belong to *goondas*, but it is a fact that a large number of them do belong to rowdy men or are connected with *goondas*. This is a fact of which the police must be aware. Now in almost every street corner there is a *pan*-shop. During the last few years their number has largely increased. You will find every important street corner has a *pan*-shop; in important crossings there were *pan*-shops in four corners, we have these shops everywhere, and in what is called a *para* (পাড়া) we have a *pan*-shop just at its entrance.

Rai Bahadur SATYA KINKAR SAHANA: Is that due to an increase in the prosperity of the town?

Rai Bahadur Dr. HARIDHAN DUTT: I do not know: I am not an economic enquirer and therefore I am not in a position to answer that question. My present position is that the police ought to enquire whether these *pan*-shopkeepers are honest traders trying to earn their livelihood by the business of selling *pan*. Sir, what is our general knowledge about these *pan* shops? The stock-in-trade generally consists of a few bottles of ærated water and some bottles of this and that sort of things and some *pans*. The total value of the whole of their merchandise would be about Rs. 10 to Rs. 15 on an average. The rent paid by a shopkeeper in an important street corner is high, and on an average, not less than Rs. 15 per month—and that is a very moderate guess. I would like intelligent police officers and those gentlemen who are in charge of the police administration, to tell us if they sincerely believe that all the expenses of the shops and the expenses of their keepers are met from the sale of a few *pans* and a few bottles of ærated water. The presumption, or rather the suspicious presumption, goes very far. Many of us are disposed to believe that these bottles of ærated water and *pans* are nothing but mere eyewash. They are only kept there as ostensible means of livelihood but money is earned by other ways and means. These shops are kept open from sunrise, and go on for the whole day and evening, and a portion of the night. Very often, if you happen to go out in the streets of Calcutta, at one or even two o'clock at night you will find these shops open. This is known to medical men, who have to go out in the streets of Calcutta at midnight or later. Those who do not go out after 9 p.m. will be surprised to hear from me, that at one or two o'clock at night, you will find that when no shop is open, the *pan*-shop is there open, and blazing with its brilliant lights. What induces these shops to remain open so late at night? How many persons buy *pan* at dead of night? I am disposed to ask the authorities to tell us whether they honestly believe that the owners of these *pan*-shops, considering the trouble they take, the time they spend and the money they spend on these shops, at all

get adequate return from the sale of a few *pans* and a few bottles of aerated water. I had discussion with some influential persons belonging to police—I do not like to mention names—on this matter and I have never heard anybody say that these *pan* shop owners depend only on the earnings of these *pan* shops. *Pan* shops have at times been found to act as receivers of stolen articles and at night they may form convenient places for thieves and *goondas* to meet. There is a general feeling that these *pan* shopkeepers derive the best portion of their income from the illicit sale of certain things, one important thing being the sale of wine at night, a matter to which I referred the other day. Personally we enquired into the matter and I had occasion to find out that there is a good deal of truth in this presumption. It may be said that if anybody wants a bottle of alcohol after the prohibited hour, all that he has to do is to approach his known *pan* shop, of course some discrimination is necessary—but it is not difficult to find some *pan* shopkeeper, who would be quite accommodating to sell a bottle of liquor at a profit of six or eight annas in the rupee, no matter what wine is wanted, imported, foreign, country-made or otherwise; I fear this is quite a known fact. If anybody came here and said that the police did not know anything about it it would be difficult to believe him.

Then I come to cocaine. Sir, large quantities of cocaine are still imported into Calcutta and Calcutta is the central place from which cocaine is distributed throughout Bengal. I am not prepared to hear from the authorities that they have been able to scotch the whole illicit trade in cocaine. In the Presidency Magistrates' courts in Calcutta we find very often large quantities of confiscated cocaine brought into the court. That conclusively proves that the trade in cocaine is still going on. I think that it is not incorrect to say that these *pan* shops form an important link in the general distribution of cocaine from the manufacturers down to the poor victims. The poor victims who have become addicts to cocaine know full well that if instead of two annas for a grain they agree to pay 8 annas for a grain, all that they have to do is to approach the *pan* shopkeepers and they will have cocaine without difficulty. This business is mostly done at night and large profits are made. I shall be very glad to hear that I am wrong, but I do not think that the police will have the hardihood to contradict what I am now saying. Large quantities of cocaine are still being sold through the instrumentality of these *pan* shops, and I deliberately make this statement and draw the attention of the higher authorities to that. Then, during an enquiry which we had had five or six years ago in connection with opium, we came in contact with certain localities in Calcutta and there we found that the *pan* shopkeepers were one of the principal instruments for the sale of *charas*, *chandu* and similar other drugs. All that the addicts had to do was to approach the "right" man and there were so many "right" men that there was no difficulty

in getting a supply. Then, Sir, we find from our experience in the Police Courts that whenever any evidence has to be secured, the people need only approach these *pan* shopkeepers for proof. The advantage here is that they remain in their shops at all hours of the night when ordinary people do not move about the streets. They are resorted to not only by the citizens of Calcutta but by the police as well. If a police constable in the streets of Calcutta arrests a man, he comes before the court and deposes. If he is asked for corroboration of evidence by witnesses, he will ask for time and, incidentally, he will bring a *panwallah* as his witness. The justification for this is that the *panwallah* is there in the night when other gentlemen cannot be expected to be in the streets to serve as witnesses. Sir, that is the kind of men from whom these *panwallas come*. If they be honest traders earning their livelihood in an honest manner, then I shall be extremely sorry to do anything against them; but most of them are not. From the police point of view, it is worth while finding out whether they cannot regulate these *pan* shops. I do not want them to be done away with; but I want that their owners should be listed and regulated. You have registered medical men, nurses and even eating houses have been regulated and controlled in Calcutta: but I fail to understand what serious obstacle is there to control these *pan* shopkeepers. I should like to know what is the use of a *pan* shop after 12 o'clock at night. I admit that Bengalis are very much addicted to *pan*. They want *pan* not only after a dinner but they want it in season and out of season. It is almost a vice prevalent amongst us, but I do not want to say anything about that now. However, can it be seriously contended that, if at 12 o'clock at night a man does not get a supply of *pan*, he will be very seriously affected? Then, why allow these *pan* shopkeepers to keep open whole night. The only justification for that would be a glass of water perhaps; but for that the Corporation have provided spouts, from which water can be had. Will it be at all serious to any class of citizens if *pans* are not available after midnight in the streets of Calcutta? Sir, that is in short why I ask the Government to consider whether it is not desirable, with a view to checking or minimising the commission of certain crimes in Calcutta at night, to regulate these *pan* shops. I remember that formerly Calcutta theatres were unregulated: Some years ago the Corporation of Calcutta ruled that after 1 o'clock all theatres should be closed and that rule is still in force. If amusement places are closed and eating houses are closed at 1 o'clock, I cannot see why similar action cannot be taken to close *pan* shops in Calcutta, by framing rules to regulate them so as to keep them within the bounds of law and order.

Mr. P. BANERJI: While speaking on this motion Dr. Haridhan Dutt has given us a very interesting discourse as to what takes place at night in these *pan* shops, and I hope our Police Chief here will

take a serious note of the state of affairs that has been brought to our notice. He has said that most of these shops are run by *goondas*. If that is so, what is the reason that so many shops are springing up at almost every important street corners? The reason is, Sir, that most of these shops are run by the Special Department of Government and that their men are there watching the movements of the terrorists at dead of night. If, therefore, these shops are closed at a certain hour at night, the Special Branch will be put to a lot of trouble. We know, Sir, that the persons at the helm of affairs so far as the Police Department is concerned, naturally will not go out on inspection. Had they done so, they would have seen that their men had always to depend on the men on the spot, and that the most reliable men they could have were the *panwallas*. Whenever the police are asked what witness they can produce, they will at once say that they will bring witness, if required. I know it for certain, Sir, that they will then catch hold of a *panwalla* and fabricate the evidence to be given by him. In return for that, the *panwalla*, as a smuggler of cocaine, has always got as his friend and accomplice the constable on duty near his shop. If this motion is accepted, I think, another weapon will be placed in the hands of the police although it will not be able to stop cocaine smuggling. Unless, therefore, Government take any step to effectively control the matter, cocaine smuggling will never be stopped, even though *pan* shops are closed after 1 a.m. On the other hand, it will help the police to extract some more money from those innocent *panwallas* who have nothing to do with smuggling, if they will keep their shops open after that hour. If, however, shops are closed at 10 o'clock at night when we find any number of men passing along the streets of Calcutta it will be difficult to keep them open to sell cocaine in the presence of such pedestrians. Another thing that I would suggest is the frequent transfer of police officers from one station to another. Excepting the Commissioner of Police, all police officers from the Deputy Commissioner downwards and all police constables should be transferred after every six months. If that is done, every officer will be new to his job and will have to go out frequently on inspection. This will prove a terror to ordinary constables, and they will take particular care to see that police orders are obeyed. This in consequence will put a check to smuggling and such other offences. There has no doubt been considered improvement in the Traffic Department for which the Hon'ble Member deserves my congratulations. But in the other branches of the Police Department there are bribery and corruption all through. It cannot be denied that matters will improve if only the heads of the department will move about, but the difficulty is that the heads of departments are always shining officials who will never move about unless they are very much disturbed. As a matter of fact, petitions after petitions never reach the highest official but

go into the waste paper basket. That is our grievance against red tapism; that is the drawback of the British administration in this country. I do not know whether my suggestion will be accepted, but if that is done, I can assure the Hon'ble Member that it will save the innocent *panwalla* at least from police *zoolum*.

Mr. C. P. HOGG: Mr. President, Sir, had I not been long enough in this House to be little surprised at anything I would have been astonished at the suggestion that the Provincial Legislature be invited to vote on a motion for the closing of *pan* shops. But I also find that in the course of the discussion a good many surprising things have been disclosed. One would naturally suppose from seeing the ordinary *pan* shops in the streets that there can hardly be a less harmful institution than a shop of that kind; but we discovered from the speech of Dr. Haridhan Dutt that these shops are a centre of great evils. They are the means of purveying alcohol, cocaine, and false evidence and are apparently the foundation on which the Special Branch does its work. Many of us had no idea that the *pan* shops occupied such an important place in the social and administrative life of the city. I would observe, Sir, that no examples have been given, and no illustrations have been offered to the House of these grave evils, and I can only assure my hon'ble friends that if they will be good enough to go to any of the police or excise officers who are interested in these matters, they will be only too glad to know where alcohol and cocaine are sold against the law. It is suggested that these shops should be closed at 1 o'clock or at 12 o'clock in the cold weather. How that would stop the sale of alcohol or cocaine, I am unable to understand. The sale will probably go on in much the same way. But, Sir, I have much more serious objection to this motion. The main point to which I would invite the attention of the House is that the subject is one primarily for the Calcutta Corporation. These shop-keepers obtain their licenses from the Corporation. The Corporation has power to issue a license, if they so choose, and to compel every shopkeeper to take a license. The provisions of the Act are very clear; the Corporation may not only insist upon a license, but they may lay down the restrictions and conditions subject to which the license is to be granted. If these restrictions and conditions are infringed or evaded, then the licensee may be dealt with. There seems to be no reason, why this step should not be taken in the Calcutta Corporation. Only two days ago, if I recollect rightly, Dr. Haridhan Dutt was advising his friends on the other side of the House to go back to the Corporation to solve many of those problems which were then under discussion. He advised the Muhammadan group to resume their place in the Corporation and deal with those problems to which the mover of that

motion had drawn attention. May I ask our worthy Doctor to follow his own prescription and to raise this question in the Corporation at any rate in the first instance? Sir, I oppose the motion. The motion was put and lost.

(The Council was then adjourned for 15 minutes.)

(After Adjournment.)

Mr. PRESIDENT: Motion No. 450, Mr. Narendra Kumar Basu, will you please move it?

Mr. P. BANERJI: Sir, there is no quorum.

The President then directed Secretary to ring the bell. After a short lapse of time, the Secretary counted the number and informed the President that there was a quorum present.

Mr. NARENDRA KUMAR BASU: We have come to such a pass after seven years of wilderness that even for the police budget it is difficult to get a quorum in this House. However, I may move it and with your leave I will speak on them collectively that certain demands for temporary police force be refused.

Mr. PRESIDENT: I do not quite follow you. You are moving motion No. 450.

Mr. NARENDRA KUMAR BASU: I shall also draw the attention of the House and yours to motions Nos. 450, 459, 471, 473, 479, 480, 483, 493, 494, and 495 which all deal with temporary forces.

Mr. PRESIDENT: Do you want to move them all at once and make one speech on them?

Mr. NARENDRA KUMAR BASU: Yes.

Mr. PRESIDENT: Because they all relate to the same head?

Mr. NARENDRA KUMAR BASU: Yes.

Mr. PRESIDENT: Sir Robert, have you any objection?

The Hon'ble Sir ROBERT REID: Mr. Basu read the numbers so very quickly that I could not follow him.

Mr. NARENDRA KUMAR BASU: I meant motion Nos. 450, 459, 471, 473, 479, 480, 483, 493, 494 and 495, they are all regarding the refusal of supplies for temporary forces.

The Hon'ble Sir ROBERT REID: I have no objection.

Mr. NARENDRA KUMAR BASU: I beg to move that the demand of Rs. 34,975, under the head "26A—Presidency Police—(*a*)—Superintendence—Pay of establishment—Temporary establishment" be refused.

Also that the demand of Rs. 2,12,000 under the head "26A—Presidency Police—(*b*)—Calcutta Police—Pay of establishment—Temporary Force" be refused.

Also that the demand of Rs. 1,500 under the head "26B—Police—B—Superintendence—Pay of establishment—Temporary establishment" be refused.

Also that the demand of Rs. 14,000 under the head "26C—Police—District Executive Force—(*a*)—District Police—Pay of officers—Temporary officers" be refused.

Also that the demand of Rs. 3,66,000 under the head "26C—Police—District Executive Force—Pay of establishment—Other temporary force" be refused.

Also that the demand of Rs. 6,87,200 under the head "26C—Police—District Executive Force—Police Force—Pay of establishment—Temporary District Intelligence staff" be refused.

Also that the demand of Rs. 13,620 under the head "26C—District Executive Force—Establishment—Temporary establishment" be refused.

Also that the demand of Rs. 50,000 under the head "26G—Police—Criminal Investigation Department—Pay of officers—Temporary officers" be refused.

Also that the demand of Rs. 60,000 under the head "26G—Police—Criminal Investigation Department—Pay of establishment—Temporary establishment" be refused.

Also that the demand of Rs. 5,40,333 under the head "26G—Police—Criminal Investigation Department—Pay of establishment—Temporary Force" be refused.

I will ask the House to consider two or three points with regard to this question. So far as I can make out from the budget the total demand for pay of officers and establishment in the Police Department, excluding the special police and the Police Training School, is

Rs. 1,56,98,526. Of this tremendous sum the demand for pay of temporary forces comes up to Rs. 19,99,278, roughly Rs. 20 lakhs, that is to say, more than 13 per cent. of the total for the pay of police officers and men. My submission is that the entertainment of this large temporary force is fair neither to the men who are temporarily employed nor to the country.

Turning first to the aspect of the men themselves the House will see that some of these men have been in temporary service for several years now. I believe there are instances of men being in temporary service for 8 or 10 years now. That being so not to absorb them in permanent Government service is I apprehend unfair to these men because they may be turned adrift at any moment when their period of usefulness and the period when they can get other jobs elsewhere is gone and they will have to shift for themselves. That brings me practically to the second question, viz., how it affects the public. As is well known it is common human nature, not confined to permanent or temporary police men, that if a man has got a temporary job he would like to see that the job is made permanent. The entertainment of this large temporary force means that these men have got to make out a reason for their continued existence. I am not confining my remarks to terrorist crimes or to pseudo-terrorist crimes or to what are known as the Intelligence Branch and other things but I am taking them in a lump and I say that these temporary policemen in all these branches, I take it, have been recruited because the ordinary number for whom, as I have just stated, we pay about Rs. 136 lakhs is not sufficient to maintain the peace or to keep law and order or to do other things which are the necessary duties of the police. We all know and we know it to our cost that for some time now the police—I am not talking of the Calcutta Police—I am talking of the *mufassal* police mostly and it is partly too of the Calcutta Police also—the police neglect their ordinary duties, that crime is increasing and all because they are busy hunting for political crimes.

There is also another unfortunate circumstance to which I drew the attention of the Hon'ble Member during the last session of the Council, namely, the jealousy between the different branches of the police—the District Force, the Intelligence Force and the Special Force—and as I pointed out it was in evidence in the Chittagong Armoury Raid Case —evidence of the kotwali sub-inspector that he had given notice of the impending raid to the officers of his department at least 3 days before the raid but I do not know whether it was the Intelligence Branch which pooh-poohed that idea but they took no notice of it and the terrible raid occurred. That illustrates to my mind the difficulty of having these policemen in water-tight compartments and if you have on the top of that temporary men in such large numbers—Rs. 20 lakhs are meant not for a very small number of policemen—I submit

to have such large number of temporary policemen is merely to add to the troubles and tribulations of the populace for whose benefit, I take it, the police are maintained. I have for two or three years past brought this matter to the notice of the Hon'ble Member during the course of the budget discussion. His only reply so far has been that on account of political crimes temporary police forces have got to be maintained. But as I said temporary policemen are to be found not only (I am not quite sure about the nomenclature of the branch and the Hon'ble Member will correct me, if I am wrong) in the Intelligence Branch alone or in the Criminal Investigation Department Branch—I do not know which deals with political crimes—but they are to be found according to the budget in every one of the budget sub-heads except the Special Police and the Sarda Training College. I therefore submit that there is no reason why this huge sum of Rs. 20 lakhs should be granted by this Council. I move my cuts.

The Hon'ble Sir ROBERT REID: Mr. Basu has been somewhat brief and in view of the fact that apparently this subject interests no other member of the House I propose to be brief also. I was not in a position to contradict him but I am quite prepared to accept his arithmetic as regards the proportion of this temporary force to the whole force. He made two preliminary points, the first was that the maintenance of this large temporary force is fair neither to the men nor to the country. I quite agree to a certain extent on both points. It is a hardship to the men to be maintained on a temporary basis for so long. The reason from the point of view of Government why these forces are maintained on a temporary basis is, to put it quite frankly, that Government have always been hoping that things will improve and they might be able to get rid of the temporary force and therefore there was no justification for saddling the country with a permanent burden in the shape of expenditure on this force. When you have had an additional temporary force, as we had it during the last few years, it is not easy to say at any particular moment that that additional force ought to be made permanent. At the same time Government are in this position that they do not feel justified in asking the country to pay permanently for this force which they hope they can remove at short notice. But, as Mr. Basu said, it is hard on men to be maintained and kept for five or six years on a temporary basis. It affects them in all sort of ways: they cannot get any increment of pay; they get no permanent tenure of office, and so on. From the financial point of view Government find themselves in a difficult position. On the one hand, they feel they are not justified in reducing the force straightaway. On the other hand, they do not consider that conditions are such that the force can be made permanent. Mr. Basu said that it was not fair to maintain this force on a temporary basis either from the point of view of the men or from the point of view

of the public. He said that these men had to try and make out reasons for their continued existence, and quite naturally. I do not agree when he says that the Bengal Police as a whole are spending a great part of their time in hunting out political crimes in order to justify their existence. I do not believe for a moment that that is at all the case. This question of the maintenance of the temporary force is a point which recently we asked two officers of Government to enquire into. Mr. Twynam of the I. C. S. and Mr. Gordon of the Indian Police were put on special duty to enquire into the general strength and organisation of the Bengal police force, as I said in connection with another motion, on two lines: one was the general force and the other the Intelligence Branch. One thing to which their particular attention was drawn was the question as to how far it was necessary, as far as one could foresee the future, to retain any or all of this temporary force on a permanent basis. We have recently got their report. It has not been fully examined, but from a perusal of it, I think, I should anticipate that a considerable portion of this temporary force will be made permanent or at any rate it is the opinion of the Police Department that a considerable portion of that force should be made permanent. That will remove the grievances of the men in this temporary employment and will relieve them of the necessity of making out reasons for their continued existence. We discussed this last year, and I can only repeat what I said last year that this temporary force was necessitated and was engaged at a time when conditions were very much disturbed both on account of the terrorist movement and on account of other subversive movements. Things have improved decidedly since, and, as I said just now, I hope it may be possible to reduce this force to some extent—I cannot say how much, because Government are taking great responsibility if they decide to reduce a force which has been in existence for a considerable number of years, and also it is very difficult to anticipate what the future may bring forward. I can only repeat the old thesis that it is a sort of insurance, the premium is high in Bengal but the risks at stake are high too. I beg to oppose the motions.

The motions were then, by leave of the Council, withdrawn.

Maulvi MUHAMMAD FAZLULLAH: I beg to move the following motions:—

(1) "That the demand of Rs. 2,10,000 under the head '26A—Presidency Police—Calcutta Police—Inspectors' be reduced by Rs. 100 (interference in peaceful labour meetings.)"

(2) "That the demand of Rs. 2,19,000 under the head '26A—Presidency Police—Calcutta Police—Inspectors' be reduced by Rs. 100 (forcible breaking up of labour meetings)."

(3) "That the demand of Rs. 2,19,000 under the head '26G—Presidency Police—Calcutta Police—Pay of establishment—Inspectors' be reduced by Rs. 100 (disposal of properties belonging to the labour organisation)."

(4) "That the demand of Rs. 89,150 under the head '26A—Presidency Police—Pay of officers' be reduced by Rs. 100 (unauthorised order under section 144, I. P. C., by the Police officers against labour leaders and meetings)."

(5) "That the demand of Rs. 33,98,000 under the head '26A—Presidency Police—Calcutta Police—Pay of officers' be reduced by Rs. 100 (prohibition of labour meetings and demonstrations by the Commissioner of Police, Calcutta)."

Sir, my object is to enter an emphatic protest against arbitrary police interference in peaceful labour meetings of this city. Sir, all over the world since the crisis of capitalism has held the entire civilisation, minus the Soviet union, in the grip of an unprecedented economic crisis, inevitable condition by the internal contradictions of capitalism and Imperialism, the labour movement has been gathering strength day by day as the only movement calculated to usher in the socialist society to unplace this capitalist chaos. All capitalist Governments and the world have not failed to note that the militant labour and the agrarian movement sounds the death-knell of the selfish, profiteering and chaotic system on which the present Governments are founded. In Calcutta, as a special example, we have noticed during the last two years, increasing high-handedness and interference on the part of the police even in peaceful labour and peasant meetings called avowedly for the redress of the economic plight of the workers, to which there is no parallel in the entire world. Perhaps it is still fresh in the public mind how the deliberate rowdyism caused by the police and provocaters in a labour meeting in the Albert Hall, under the auspices of the League against Gandhism, called for very caustic comments even from the trying Magistrate, which is not very usual in this enslaved country. Lucid light was thrown in this case on how the public money was derived from the impoverished people of the country and spent by police officers in cooking up stories and giving false evidence against these impoverished people themselves. Even brutality ought to have its limits. There has been occasions when absolutely legal and peaceful labour meetings have been broken up by force. Is it any wonder that under these circumstances the workers and peasants, who supply the life-blood of the nation, are being embittered against the Government? If the Government do want to stop all legitimate labour movements in this country, let them say so plainly and not stab the workers on the back, while showing hypocritical sympathy with the masses. The masses, apparently, are forgotten when fat salaries are drawn out of the money supplied by the starving masses. I ask, Sir,

whether the police go and break up meetings when employers meet and hatch nefarious plans to increase their profits by driving down the unspeakably low wages of the workers. The objective result of such behaviour is obviously to strengthen the already strong capitalist hand against the legitimate interests of workers.

I draw the pointed attention of the Government to certain recent robberies of the properties belonging to certain labour and peasant organisations of this city committed by the police. In one search of the East Indian Railway Workers' Union at Lillooah nearly a thousand copies of the perfectly legal labour newspapers were taken away and never returned. A cyclostyle for which there was a perfectly valid declaration was taken away by the police from the premises of the Labour Party, Bengal, in Chittaranjan Avenue and was never returned. Such instances of the illegal activity of the police could be multiplied. And it is this police which is supposed to maintain law and order. There is but one conclusion to be drawn from these incidents, viz., that the police are malevolently inspired against even legitimate trade union activity and working class movement. It may be remembered, Sir, that those properties of working class organisations, however small they might seem to people living in palaces, getting large profits or drawing fat cheques at the cost of the poor man—these properties have been acquired by those impoverished workers at tremendous sacrifice in order to put up their only fight against hunger and exploitation. The police force in this province has many dark spots. But I submit, Sir, that this heartless, illegal and pilfering game is one of the darkest.

Further, I draw the attention of this House to the fact that in many labour struggles, the police, subjectively or objectively, help the employers as against the workers, by taking recourse to the handy section 144, I.P.C. Instances are numerous when by the simple application of this section by a stroke of the pen the police have prevented the movement of trusted labour leaders and organisers, &c., and thus have tried to checkmate strikes to the obvious benefit of the employers. We know of no instance where a similar order has been passed either on the employers or on the black-legs or on the hired *goondas* of the employers. And yet these workers are driven to fight under the most appaling conditions for their bread and elementary rights. Such action can only be interpreted as supporting the wealthy as against the needy. It has now become a scandal how this section 144 has become practically a routine for stemming every labour and peasant movement in this province. In fact the situation has degraded so much that this avalanche of section 144 is expected by every sincere worker who wishes to advance the labour movement in this province. It is almost as sure to come as the rains after summer, the misuse of this section has become the greatest menace to the workers, that it has become a pet measure of the police to fight every legitimate labour movement

is shown by the recent incident at the match factory at Alambazar, where a police officer asked a group of labour leaders to disperse a labour meeting saying that there was order under section 144 and without showing the Magistrate's order. If the police wanted to throttle the movement of the poor men for bread, the police could not have thought of a similar procedure. And yet the police and the Government are said to keep the balance of justice between the fat employers and the lean workers. Hypocrisy and brutality ought to have their limits even in a capitalist society. In the name of the workers of this province, of their wives and of their children who hunger from one end of the year to the other, who drag on a miserable existence in filthy hovels or where bed is the pavement, I appeal most fervently to this House to unanimously support my motion to register righteous and indignant protest against the inhuman and unauthorised use of this section which cuts at the root of the very remnants of liberty which the masses still possess to struggle for their bread and a barely human existence.

Mr. P. BANERJI: I rise to support these motions. The Hon'ble Member will now find that the accusations against the police are now spreading from this side of the House to a different side altogether, and members who have never opened their mouths against the police during this regime in the Council have now come forward to accuse the police; and the accusations, Sir, I must say, are very serious. One instance that has been given bears out my contention—as I have often called them—that they are practically a band of raiders when they visit the offices of the labour organisations. That particular instance is one of many. There are many other instances when, wherever they go, they take away their belongings and destroy them, but when petitions are made to the police they are not returned. The people are made to go to the thana and are asked to attend it from time to time and thus waste their time for nothing. Ultimately, Sir, these things are never returned. In this particular case, the Hon'ble Member has got it on the authority of my friend, Maulvi Muhammad Fazlullah, that a cyclostyle and some books and papers have not been returned, although they were taken away by the police forcibly; and there is nothing to wonder at it, Sir. I may again submit that whenever they hear of any meeting being organised by labour in any public place, the police go there sometimes on horseback and, in many cases, trample the people under the feet of their horses, regardless of whether it hurts them or not. Then, Sir, their *lathi* charge is too well known to need fresh mention. Everyone knows, except perhaps my European friends of these things, so that they may be surprised how it may be possible for such things to be done under a civilised government. But if it is possible for them to go about the streets of Calcutta in disguise, then they would find that things are quite different from what they

hear, and that even under this civilised government, the people are oppressed and made to suffer at the hands of the police. Now, Sir, the whole policy of Government is to put down labour, for otherwise, may I enquire, why there is this systematic attempt on the part of the police to put down labour unless there are clear directions from the head of the departments? Recently there was a strike among labour and 4,000 strikers were going about the streets of Calcutta——

The Hon'ble Sir ROBERT REID: What strike is referred to here?

Mr. P. BANERJI: I am referring to the strike of labour under the Joint Steamer Companies. These men wanted to come to Writers' Buildings and put forward their grievances, but only one of their representatives was allowed to get in. But even then Government refused to interfere; and on the top of this they want us to believe as if there was no strike whatsoever! In the Marine Department they say that they have no information of any strike, although 4,000 strikers passed by Writers' Buildings and tried to bring their grievances to the notice of Government. But still Government say that nothing is happening. Out of the four mills that had stopped work, two are still closed, and still Government would have us believe that there is no strike. People are suffering and their grievance is that they cannot have two meals a day for the work they do. In many cases the capitalists will compel them to work in a fashion which is not humanly possible. And yet the Government always support the capitalists. May I enquire, Sir, why? The capitalist and the labour have equal claim for protection on the Government but whenever we bring the grievances of labour to the notice of Government this capitalist-ridden Government always put hammer on the head of any movement that is started by labour and I may give a note of warning that in this way you are exasperating labour and the result would be as has been all over the world. Labour is not a new thing; it has come into power and in some countries it is coming into power and if you exasperate them the result will be quite disastrous; therefore following the example of other countries it is high time that you should listen to the legitimate grievances of labour, but Government being capitalists themselves are sure to turn a deaf ear to their complaints and rather oppress them. We notice that as in different parts of Calcutta and other places, even in the Albert Hall, too, the police have turned out a labour meeting in a manner which had no regard to the effect of their action on the men whom they thus dispersed. This is a state of affairs which we all must condemn and resent, and it is now high time that Government, instead of giving further support, should stop these men from doing these things. At the same time, I must say that there is an officer drawing a fat salary in the person of the

Labour Commissioner and I consider that this officer, instead of sitting tight in Writers' Buildings, should himself go out and settle these disputes instead of referring them to the employers. The situation is daily becoming more and more acute and I once more submit that Government must not sit tight but stop this oppression on labour by the police, and see that their grievances are redressed. With these words, Sir, I support the motions.

Maulvi ABUL KASEM: Now that the life of this Council is coming to a close and elections are in view, it is becoming necessary for us to ventilate the grievances or the supposed grievances of our electors and therefore I would like to support my friend. But there is one thing about which I have to say a word or two. There is no doubt that Government generally support capitalists, whether against labour or against the poor, and one thing that comes prominently to my mind in this connection is the imposition of an enormous import duty on coarse cloth and yarn. That was done to fatten the mill-owners of Bombay so that they may ride their Rolls Royces. Certainly, Sir, labour is sometimes oppressed by capitalists. Then, again, is not labour oppressed in our private houses? Do we pay them handsomely for the work that they do for us? It is not only mills, factories and steamer companies who employ labour! Every individual in his own world does so. Sir, I am absolutely a cultivator and I know the effect of this legislation on this class of people.

Mr. PRESIDENT: Why are you going into all these things? We are now discussing the conduct of police towards labour and nothing more or less.

Maulvi ABUL KASEM: I am referring to the legislation which the Legislative Assembly passed when I was a member of that body. They have passed rules that any labour——

Mr. PRESIDENT: Order, order. I do not understand what you mean. Certain motions are now before the House and they have been moved on certain specific grounds. You must confine your remarks to those motions and stick to the grounds as well.

Maulvi ABUL KASEM: Do everything you like to punish capitalists, but also take steps against those who tyrannise over labour.

Mr. PRESIDENT: Order, order. You are not following my instructions.

Maulvi ABUL KASEM: Perhaps, Sir, I could not follow you.

Mr. PRESIDENT: Then let me repeat what I said for your guidance. Certain motions are now before the House and you are expected to speak to those motions. These have been moved on some specific grounds and you have got to stick to them.

Maulvi ABUL KASEM: All right, Sir. My attention has now been drawn to the motion—forcible breaking up of labour meetings. I, say, Sir, that if there is any forcible breaking up of labour meetings, Government should take steps, but I also submit that those people who exploit labour for their own purpose should not go unpunished.

The Hon'ble Sir ROBERT REID: I am sorry to observe, Sir, that none of my capitalist friends have jumped up to reply to the serious accusations made against them. I do not propose to defend the capitalists because I do not think that in connection with these motions the capitalists are really the villains of the piece. It is the police who are the villains of the piece here. The mover of the motions, so far as I have been able to follow him, was dissatisfied with the action of the police in interfering with labour meetings and I think for robbing labour organisations of their leaflets and literature of some sort. Mr. Banerji has also particularised the theft of a cyclostyle machine. To begin with, I must make it perfectly clear that Government have no intention of interfering in any way with legitimate labour or trade union activities. That is a principle which any decent Government is bound to accept and follow; and the Bengal Government have consistently followed that principle throughout. But what we do object to and will not tolerate are the labour—the so-called labour—organisations which are run for illegitimate purposes and, in particular, for the purpose of propagating communist activities, the declared purpose of communism being to subvert the ordered society and generally the ordered life of the country. It was for that reason that on the 1st of March, 1935, Government issued a notification under the Indian Criminal Law (Amendment) Act, 1908, in which they declared certain associations to be unlawful associations. The reason Government gave in the notification was that these associations—and I might say that Government had ample reason to be satisfied that they were correct in this view—had as their object interference with the administration of law and with maintenance of law and order, and that they constituted a danger to the public peace. Under that notification of March last year, 13 associations were declared to be unlawful. They included the Calcutta Communist Party and the Indian Proletarian Revolution Party and a number of other associations of which the titles, though apparently those of labour or trade union organisations, were

distinctly misleading. They were declared unlawful in that notification of March, 1935, and this was followed up by a notification by the Commissioner of Police,—a perfectly legal and legitimate notification —which he made under section 62(*a*) of the Calcutta Police and section 39(*a*) of the Calcutta Suburban Police Act with Government sanction for which Government took full responsibility——

Mr. P. BANERJI: Are they registered unions?

The Hon'ble Sir ROBERT REID: That has nothing to do with it. They were associations declared unlawful under the Indian Criminal Law (Amendment) Act, 1908, and, incidentally, it is perfectly easy under the Trade Union Act to get any kind of associations registered. It does not follow that merely because an association is a registered trade union it is a legitimate trade union organisation.

As I was saying, Sir, the Commissioner of Police with the sanction of Government and in order to prevent disturbances in the city, in order to prevent peaceful citizens being harassed in going about their daily avocations, issued an order that any processions, meetings or demonstrations on behalf of or in furtherance of those organisations should not be held without the express permission in writing of the Commissioner of Police—he did not prohibit them absolutely but prohibited them being held without his permission—and that order still holds good. I submit, Sir, that the order was perfectly justified, and Government were perfectly correct in issuing it in order that the life in this city should not be disturbed by unruly demonstrations of organisations which were connected with those bodies and which had been declared unlawful under that Act. And that is the position up to date. As I have said before, Government have no intention of interfering with legitimate labour activities and in fact I may claim that Government have gone very far in tolerating demonstrations by various so-called trade union bodies in the past. As regards this question which the mover has referred to, what he was pleased to call robberies by the police, I think it is worth while mentioning it—although the mover of that motion is not listening—what happened was this. The typewriter was seized from the headquarters of the Calcutta Communist Party and two cyclostyle machines from the headquarters of two other associations which came under that prohibitory notification of 1st March, 1935. The typewriter was confiscated under the orders of the Magistrate, in other words, the police had no part in the matter whatever. The two cyclostyle machines have never been claimed. So you can hardly say that the police had stolen property to which somebody else had a legitimate claim. I beg to oppose the motions.

The motions were put and lost.

Maulvi MUHAMMAD FAZLULLAH: I beg to move——

The Hon'ble Sir ROBERT REID: On a point of order, Sir. May I enquire how 457 comes under "26A—Presidency Police"? It does not come into the picture at all at this stage.

Mr. PRESIDENT: But it does come under your portfolio.

The Hon'ble Sir ROBERT REID: Oh yes, it does.

Mr. PRESIDENT: I think, in that case, he can move both the motions together.

Maulvi MUHAMMAD FAZLULLAH: I beg to move that the demand of Rs. 89,150 under the head "26A—Presidency Police—Pay of officers" be reduced by Rs. 100 (reports of corruption, bribery, inefficiency and favouritism).

I beg to move that the demand of Rs. 89,150 under the head "26A—Presidency Police—Pay of officers" be reduced by Rs. 100 (appointment of members of the Noakhali Krishak Samity as special constables).

From year to year a lion share is lavishly provided to police, making inadequate provision for the nation-building works whereas reports of inefficiency and corruption of various description of the police administration are frequently received from all parts of Bengal. Failure of the police to cope with the crime has reached its climax in certain districts of Bengal and this can be proved from the abnormal increase of cases both detected and undetected from year to year. One is bewildered to think how this can be possible at all if the police are active, honest and competent enough to detect crimes. Our people have lost faith in the honesty and regard for truth in police force; who as we find now, have more intelligence to make money than to detect crimes, more power to harrass, terrorise the weak and the innocent than to check the real offenders and peace-breakers in society. I shall cite some concrete instances from my own district. The hon'ble members of this house are aware of several dacoities in rapid succession in the district of Noakhali. Such dacoities are still being committed. I know that in some cases, for example, Char Badu, Lemua, Badarpur, Hashandi, Dehala, Karpara, Karimpore dacoities, etc., many innocent persons were arrested and remanded to hajat for several months and at last discharged and even in 90 per cent. of the cases no charge sheet was submitted. In some other cases, such as Naharkhil, Chayani, etc., no arrest was made at all—no clue whatsoever was possible. In some cases apparently innocent people were arrested and harrassed and in others no arrests were made at all. The reason

is not far to seek. It is difficult to imagine when one has gone through the detailed history of the cases just cited by me that justice is a thing of commodity with the unscrupulous people vested with the power to defend our life and property. Sir, from my personal knowledge of these cases I say that there are real culprits—and there shall always remain real culprits undiscovered, undetected, untouched by the hand of the police so long they have means to purchase their freedom and the poor innocent people will never be spared unless they can satisfy the demand of the police. To ignore this fact in the system of police administration is to shut our eyes from the truth.

Sir, a dacoity was committed at Pedda in the district of Tippera. A big gang of Noakhali could be traced and disclosed to the police by some public spirited gentlemen of my district. Two of the accused made a confessional statement—what was the fate of that dacoity? Of the persons mentioned in the confessional statements only 14 or 15 were arrested but charge sheet was submitted in the name of three only. There were police informers and an important big landholder implicated in this, but he was not apprehended. Only three were convicted and the rest could easily escape trial for obvious reasons.

In Char Badu case some innocent boys of respectable parentage were arrested and detained in hajat for several days and many unfair methods were being adopted for their identification by got-up witnesses by the investigating officer without success, the mention of which will be found still now in the record. Ultimately these boys were discharged and no charge sheet was submitted against them. But the boys were let go after a ransom.

An inspection to the personal and case diaries of Babu Pran Gopal Roy and Babu Bankim Chandra Sen will show what jobbery and lawlessness are prevailing at Noakhali in the name of law and order. I again urge the Government for an inspection of the disposed of G. R. cases since 1933 against Krishak Samity members and you will see that 98 per cent. of the cases launched against Krishak Samiti members were false. Did the police take legal opinion for launching these prosecutions? And if not, why no action has been taken against the police officers for starting false cases and waste of public money.

Now-a-days people scarcely come to the police-stations to give informations for fear of insult, assault and financial embarrassment. In many cases, rather, generally, if the informant cannot spend a substantial money then he is sure to be tried for lodging a false complaint. Such a reference was made in "Desher Bani" last year.

If the innocent people are thus made to suffer in the name of law and order by the police, this is no credit on the part of the Government.

Some persons have been enrolled as special constables and made to attend the houses of suspects at night. Old men physically inert are

made to serve as special constables and most of them were compelled to work even after the expiry of the period. This can be proved by reference to the diaries. And the police plead their inability to cope with the crime situation. Now we find that police together with the 62 enrolled special constables could not check the crimes. In the meantime some three or four dacoities were committed—one being in the house of Babu Sharat Ch. Das of Naoru, police-station Begamganj. In connection with the Naori case though the proprietor of the house has suspected none the police, from District Superintendent of Police downwards, have been harassing the villagers of the surrounding villages who simply happen to be members of the Krishak Samiti, by insult, assault, and in various other ways.

A year before, Sir, a big gang of dacoits were discovered in that locality in connection with the Pedda dacoity. Why that gang was allowed to escape? Is it because some of them were big men, and sons of big men? Do the police have really in mind to help the people of the country? The answer is an emphatic No; had it not been so and if the police could convince the people of their good intentions, there are people even now to wholeheartedly help them in checking crimes. Only a solitary officer of the Government Mr. Gordon, when he was Commissioner of Police, had the courage to clean the stable. But it is an augean stable to clean which you require a Hercules. These records of the members of the police do not reflect the good side of their administration. They might bring good certificate but the fact remains that they are allying themselves with thieves, robbers and murderers, whereas their alliance remained with the big people of the country. The time has come when the Government has either to respond to the will of the people or go.

Mr. P. BANERJI: Sir, I rise to support this motion and in doing so, as I have already said, I say now that even after the department has taken steps here in Calcutta corruption in the traffic police is not unknown. We know that as many as 60 persons were dismissed during the year 1935 in Calcutta and all the men and officers of one particular thana were dismissed and the feeling in Calcutta is quite different. So many dismissals sufficiently disclose the state of affairs in the Police Department. It has been possible because certain officers moved in the matter and as has been pointed out Mr. Gordon did certain things and this caught the imagination of the people and it was thought that that was the right type of officer who could do something for the department. It is usually the case that a person who is very popular with the people is perhaps not popular with Government and that a person popular with Government is not popular with the people. That is a misfortune but Government must find officers who are equally popular with Government and the people and I believe there are such officers. Government cannot deny that there is corruption. Members of the

House have brought to the notice of Government, the existence of this evil but Government does not move as it ought to. Still there are many things to be done to improve the morale of the police, even of Calcutta also, and the policy that has been adopted in Calcutta must also be adopted for the police in the countryside. But unfortunately Government cannot do anything because I quite realise their position. The position is that they have given too much latitude and during the last five years they have allowed these officers to do anything in the name of Government to harass the people. It stands to reason that these Government officials now should change their methods. Time has now come when Government officials must think that these excesses were committed at a time, as Mr. Hogg used to say when he was the District Magistrate of Faridpur তোমরাও আইন মানিবেনা আমরাও আইন মানিব না Now this has changed since 1930 and the situation now is quite different. So I think time has now come when Government should change their policy altogether so that the morale of the police may be improved and if the policy that has been adopted in the Calcutta Police is continued in the *mufassal* police within a short time everything would be well.

Mr. C. P. HOGG: We are dealing here with two motions; one relating to the question of bribery, favouritism and corruption in the Calcutta Police and the other to the appointment of certain persons as special constables in the district of Noakhali. I am afraid I shall have to deal with these entirely separately.

With regard to bribery and corruption, the first point to which I should like to invite the attention of this House is that this motion is brought by a member who represents a constituency of Noakhali and he has the support of another member who represents Rural South, 24-Parganas. No member representing the Calcutta constituency has thought it worth his while to give his time or attention to this matter.

Mr. P. BANERJI: Because they consider it useless.

Mr. C. P. HOGG: Mr. Banerji on the 25th November last received an answer to a question that he put regarding indiscipline in the Calcutta Police. A list was supplied to him and in that list, if he will recall it, he will find reference to a number of men in the Calcutta Police who were dealt with for various offences and among these offences the acceptance of illegal gratification figures frequently. I quote this fact to indicate that the Commissioner of Police is fully alive to the evil of corruption amongst the men in his force and whenever he has an opportunity he takes steps to deal with the offender. I may also refer to the Annual Report on the Calcutta Police for 1934.

Mr. P. BANERJI: Has any of them since been reinstated?

Mr. C. P. HOGG: I am not aware of that but the officers concerned have the usual right of appeal which, I hope, the hon'ble member would not deny them if they chose to exercise it.

In paragraph 8 of the Annual Report for last year the hon'ble member will find that the Commissioner of Police punished a number of officers for various offences. I shall quote the total figures:—

Total dismissed	...	31
Total degraded	...	69

and departmental punishments were awarded on 815 occasions. I submit that these figures prove that the Commissioner of Police is fully alive to the necessity of maintaining discipline in his force and that he takes notice of cases of bribery and corruption which come to his notice. I need hardly say that in these activities the Commissioner of Police has the full support of Government and it is the intention of Government that the police force should be as free from corruption as it is possible to make it and the Commissioner of Police has their full support in his efforts to purify the force.

Then a point has been made that the police are oppressive in their handling of the cases which are brought to their notice. I understood the mover of the motion to say that if a man was unable to pay down a certain sum of money or whatever the officers chose to exact, he was unlikely to make any progress with his case; and if any person was able to satisfy the rapacity of the officer he would improve his chance of getting on. I may remind the House that the courts are always open and it is open to any person who is the subject of oppression of this kind to go to the court and file a complaint. There is no reason why he should not take legal advice and there is no reason why he should not file a complaint. Once a complaint is filed the court is bound to take steps in accordance with the provisions of the Criminal Procedure Code. Anyone who is not satisfied with the court's findings has such right of appeal as the Code provides; he can even move the High Court if he is still dissatisfied. I would therefore impress upon the House that it is no use anyone alleging that a police officer is concerned in any act of corruption or any act of bribery when he may apply to a court and get his remedy. It is still open to anyone who is dissatisfied to go to higher authorities or to appeal to higher courts and thus he can have his case tried out.

Coming to the other motion, viz., the appointment of members of the Noakhali Krishak Samiti as special constables, the House will remember that a short time ago a question was asked by Maulvi

Muhammad Fazlullah and was answered. In reply the circumstances in which these men were appointed as special constables were explained. There was a very serious dacoity at Chhattarpaya Bazar and it was alleged (the case is still *sub judice* and therefore I will refrain from going into any details) that a number of Hindu shops had been looted. There were also other crimes prevalent in the locality and the police invoked the assistance of leading men belonging to that locality for the purpose of maintaining public security in that area. These measures were successful. The men were employed only for a limited period of time and the statement that they were employed beyond the prescribed period is incorrect. I say, therefore, that these measures were perfectly justified, that they were sanctioned by law under the Police Act and that they were justified by the results achieved, I therefore submit that the residents of that locality have no grievance in that matter. Sir, I oppose both the motions.

Both the motions of Maulvi Muhammad Fazlullah were put and lost.

Maulvi ABUL QUASEM: I beg to move that the demand of Rs. 33,98,000 under the head "26A—Presidency Police—(*b*)—Calcutta Police" be reduced by Rs. 100.

In the year 1933 the Bengal Suppression of Immoral Traffic Act was passed. The Bill was introduced by a private member Mr. J. N. Basu. It was intended to bring about social purity in the city of Calcutta and the suburbs. There were some salutary provisions giving power to the police to clear the vicinity of boarding houses, hostels and messes occupied by students or of any place of public worship or recreation. It was intended that vicinity of those places should be cleared of prostitutes and brothels. No mandatory power was given to the police to discharge the duties that were entrusted to them under this Act; discretion was left to them. I do not know why it was not made incumbent upon the police to take action where action was urgently called for. I would refer specially to section 6. That section gives power to the police to order the clearance of houses which are used as brothels. I do not know in how many cases the police have at all taken action. Under section 6 when the Commissioner of Police or the Superintendent of Police receives information that any house is being used as a brothel or for the purposes of prostitution, the police officer concerned may serve notice on the owner of the house or the lessor, manager, or occupier thereof asking them to desist from using the house as a brothel. Sir, I would give one instance which is within my personal knowledge. At Kidderpore, there stands a big mosque which is used by thousands of Moslems daily for the purpose of saying their prayer. There are premises surrounding that mosque—I would name them premises Nos. 2, 9, and 13, Michael Dutt

Street and also premises Nos. 9, 10, 11, 28, Warden Street. These are all within the close vicinity of the mosque. Each of these premises is used as a brothel and it is known to the police. They need not wait for any information to come to any conclusion as regards the use of the houses. Still a petition signed by many people was sent to the Deputy Commissioner of Police, Lall Bazar, on the 27th April 1935. The police were requested in that petition to use their powers under the Act to clear these premises of prostitutes and brothels. No action has up till now been taken on that petition. No answer has been given to the signatories of the petition. The police are pre-occupied with many duties. Sir, there is a particular duty which is imposed upon them under this Act. It is too well known to the police that all these houses are used as brothels. They need not wait for any information if they are really concerned about the social purity of the town of Calcutta, if they are really anxious to see that the neighbourhood of a mosque is cleared out of these nuisances, they could have taken action under this Act. But, Sir, no action has been taken by the police. It would be interesting to know in how many cases the police have actually taken action under this Act to clear the several places which are especially enjoined to be cleared of these undesirable beings. To my knowledge this particular petition has received a treatment which would discourage other people from approaching the police. It is stated in sub-section (*1*) of section 6 of the Act that the police may cause a notice to be served. The word used is "may" and not "shall". I do not know whether shelter would be taken behind this discretionary power given to the police. The other day while speaking on a motion of mine in regard to the enforcement of the Bengal Waterways Act, I bitterly complained that the Government were always pleased to allow a legislation to be passed which they had hardly the intention to carry out. I submit here is a legislation which has become a dead letter. It is already on the statute book but the police have not taken any notice of it to show that they are at all anxious to take action under it. I have given one instance and I believe the members who are representing Calcutta in this Council may give several other instances. It is time for the Government to say clearly whether they wish this Act to be enforced or whether they wish to keep it, as they have already made it, a dead letter. It would be reassuring to the public of Calcutta so that they might approach the police requesting them to take action under the Act. With these words I commend my motion to the acceptance of the House.

Mr. S. M. BOSE: Sir, I whole-heartedly support this motion, and in doing so I have to call attention to the fact that the Bengal Suppression of Immoral Traffic Act, 1933, has been made quite ineffective. That Act was not a Government Act but a private one. But is there any

reason why it should not be enforced? We all know and we have complained that very little or no action has been taken under the Act. The Act was passed with a view that the police might not be overworked. So, the word "may" was used in section 6. But now I believe the police is not so overworked as in 1933, because the civil disobedience movement has stopped. So, I submit that the police should lose no time to take action under this Act. Maulvi Abul Quasem has done well in drawing attention of the Government to an important matter like this. He has given a specific case and I want to know why no action has been taken. Let the Government say plainly what their intention is.

Maulvi ABUL KASEM: Sir, I also rise to support my young friend and my namesake. We have been in this House and outside accustomed to hear vague allegations and accusations against Government servants, but my friend has given specific instances and challenges contradiction of his statement. I may add that it is not necessary to remove a brothel from the vicinity of a mosque under the Bengal Suppression of Immoral Traffic Act. The Police Act is sufficient for the purpose. It lays down that there should not be any brothel within 200 yards of a hospital, temple, mosque or a school. Under these two legislations whether you take them separately or together the police ought to have taken action. Here is a case where a petition was submitted to the Deputy Commissioner of Police and still the police seemed to be sleeping over it. There are many provisions in the Suppression of Immoral Traffic Act about minor girls and many other things being removed from the locality. I can assure the House that in those localities where the Police Act is in force and where no brothels can exist immoral trafficking is going on in the name of or to all appearances in respectable houses. I would draw the attention of the House and through Government of the Commissioner of Police that if the police act a little energetically they can relieve respectable citizens of Calcutta of this pest. The question of removing the prostitutes from the vicinity of a mosque is very important, because it is not only sentimental but it interferes with the prayers of the Moslems. We gather in the mosque to say our prayers, and therefore the people who go into the brothels and come out off and on, as well as by their shouting and quarrelling, interfere with our sentiment, and our prayers. I hope Government will assure us that they will take every necessary step required to put a stop to this evil.

The Hon'ble Sir ROBERT REID: Sir, as far as the Act goes, I think, if I remember aright, when the Act was passed, it was always stated on this side of the House that the initiative under this Act which dealt with social evils of this sort should be taken by individuals themselves rather than by officers of Government. It was for that reason

that I think the police possibly have been in some cases, I do not know for certain whether there are many, reluctant to take action, but as regards the specific case to which Mr. Abul Quasem has referred, if he gives me the particulars, I would certainly be glad to enquire into the matter and see what can be done. Of course the persons to whom he takes exception being in the neighbourhood of the mosque he has referred to, have got to go somewhere. If I remember aright, I think there was great trouble in Bombay when they started enforcing their similar Act. They turned out hundreds of these women and let them loose all over the town and the result was that contagious diseases spread over a greater area than previously. However, that point does not concern us immediately. I am quite aware, as I answered a question about this time last year, that there is a feeling in some quarters, I do not say it is universally held and I do not say it is completely justified, that this Act is not quite so effective—there are various reasons for that—as it might have been. But if it is to be an effective Act, I should think that it is up to any private member of this House who is dissatisfied with the Act to bring forward a small Bill to rectify the Act. Perhaps after the assurance that I have given the hon'ble mover will withdraw his motion.

The motion was, then, by leave of the House, withdrawn.

Mr. W. H. THOMPSON: I beg to move that the demand of Rs. 33,98,000 under the head "26A—Presidency Police—Calcutta Police" be reduced by Rs. 100 (with a view to control traffic in Humayun Place, Calcutta).

Sir, six years ago when the New Empire Theatre was first put up, I drew the attention of Government by means of a cut motion during the budget session, 1930, to the congestion of traffic caused by the opening of a large theatre down a small *gully*. It is needless to say, Sir, I got no change whatsoever from Sir Arthur Moberly and I do not anticipate that I shall get much change this time out of Sir Robert Reid. But, Sir, I would not have you say, therefore, that I am merely wasting the time of this House and, indeed, Sir, even if I were to waste the time of this House, I would submit that it is a thing that has happened before. Sir Arthur Moberly at that time admitted that he could not understand why a theatre had been allowed to be opened at such a place. He said that the police had no control over the opening of threatres and so nothing could be done. But, Sir, he did afterwards get the Government to bring the matter to the notice of the Calcutta Improvement Trust and the Improvement Trust took the matter up. They tried to combine a scheme which they already had for the widening of Bertram Street behind, with the idea of widening Humayun Place and driving in straight through, into Bertram Street. The scheme was a difficult one to work out. There were a number of exchanges of land

to be arranged between the Humayun Properties, the Leslie Estate, the Corporation, which owns the strip of shops along Bertram Street, and the owners of the Grand Hotel. When Mr. Stephen, the proprietor of the Grand Hotel died, it looked as if the scheme could not go through. But it was finally knocked on the head by the proprietors of the theatre. The Humayun Properties wrote in December to the Improvement Trust withdrawing from the scheme altogether and it now turns out that they have in mind to build a new Cinema Theatre to be called the "Lighthouse" opposite the end of Humayun Place as it is now, on the vacant plot of land which is now used for parking cars. This is the plot of land through which Humayun Place was to be continued according to the Improvement Trust Scheme and between the "Lighthouse" and Lindsay Street, they propose to put up still another theatre and restaurant to be called the "Garden House." Now, Sir, I do not wish to raise the question whether two more cinemas here are likely to pay, or whether it would be a good thing for Calcutta if they were opened. I only wish to draw the attention of Government to the congestion of traffic which now exists in getting cars in and out to deposit and take away people who attend only one cinema down that *gully*, and ask Sir Robert to imagine what things are going to be like when there are three cinemas down that *gully*. I believe, Sir, it is the intention of the Humayun Properties, Ld., to build the "Light House" theatre, the one which will face down the *gully*, on the first floor, one storey up and to put an archway under it which would take Humayun Place through into Bertram Street. If that can be managed, it will be a great improvement, but that can be only managed if arrangements are made with the Corporation for the demolition of the strip of shops along Bertram Street. What I am afraid of is that if the negotiations that are going on between the Corporation and the proprietors of these theatres break down, then we shall have no way through but shall have three theatres down that little *gully* instead of one and three times as much congestion in consequence as there is now. Sir, I would ask Sir Robert two things: can he do anything to help in the negotiations which will provide that Humayun Place shall be carried through into Bertram Street? Probably he will say "no." The next thing I would ask him is whether the police have any powers to veto or to control the opening of theatres in a *gully* like Humayun Place which, if three theatres exist down it, will cause a very great deal of difficulty as a traffic problem and a very great deal of trouble to the public especially on nights when it is raining, and ladies' frocks are liable to be ruined before they can get to their cars. If the police have no power whatever in respect of the licensing and opening of theatres, I would ask Government whether it is not time to consider arming the police with some powers of this nature. Sir, I have nothing more to add. I have explained the difficulty—the practical difficulty: can Government help?

(At this stage the Council was adjourned for 15 minutes.)

(After Adjournment.)

The Hon'ble Sir ROBERT REID: Sir, I think we ought to be grateful to Mr. Thompson for having raised this question which is quite clearly, from what he has told us, an important question, or may be an important question, from the point of view of the comforts of the citizens of Calcutta who are accustomed to attend cinemas. What the exact position is I am not at the moment certain. But as a preliminary I should say that the location and the general sitting of cinemas is a matter which must affect the Calcutta Corporation and I have no doubt that negotiations are going on with the Corporation on the subject. But whether those negotiations would be conducted with as much regard, as perhaps we should like, to the comforts of the public, is not quite so certain. There is a thing, Sir, called the Cinematograph Act, which has just now been put in my hand and I find that certain sections of this Act might possibly be used in this connection; but I would not like to say at this moment how far it is possible to do so. All that I would like to say is this, that it is a matter to which I shall certainly give attention and upon which I shall consult the Commissioner of Police and as the Corporation is concerned I will endeavour to enlist the assistance of my friend, the Minister for Local Self-Government. Perhaps, Sir, on this, my assurance, Mr. Thompson would be pleased to withdraw his motion.

Mr. W. H. THOMPSON: In view of this assurance of the Hon'ble Member, I beg leave to withdraw my motion.

Mr. Thompson's motion was then, by the leave of the House, withdrawn.

Dr. AMULYA RATAN GHOSE: I beg to move that the demand of Rs. 43,39,000 under the head "26—Police—A—Presidency Police" be reduced by one lakh.

I think the Hon'ble Member will also express his gratitude to me for asking him to reduce this sum of money from the budget estimates which will help the Bengal Government to utilise it in better ways. Sir the Police budget has swollen up to a very considerable extent owing to the political conditions of the country about a couple of years ago. The condition has now changed and it is admitted by Government that those stormy days of civil disobedience and other political agitations have subsided. In those days there was the necessity for greater grants for the upkeep of the police, but now when those troublous times have passed away why should not the budget be cut down accordingly. There is another aspect, Sir, for which this budget should be

cut down. There was a Retrenchment Committee some time ago and that Committee was composed of members of this House who laboured hard to find out where retrenchment could be possible. But the recommendations of that Committee were not fully given effect to by Government. If their recommendations were given effect I think a larger amount of money could be reduced than what I have asked in my cut motion.

Sir, wherever we go on the street of Calcutta we find that a large number of constables sitting in front of *pan* shops and other places occupying the footpaths, encroaching upon roads and obstructing public traffic and idly passing away their times. If the Hon'ble Member will please care to motor down the Strand Road towards the Howrah Bridge he will find these constables passing their times in gossiping in large numbers at almost every important crossings. This being the state of things with the police here in Calcutta we are surprised very much that Government is in no mood to bring down the police budget by a jot or little. It is not understood why it should remain so high while people are dying in large numbers from such preventible disease as small-pox, tuberculosis and cholera. All these diseases are carrying away hundreds of valuable lives from this town and from Bengal. I do not know whether the lives of these men are more valuable or the police grant is more valuable; whether police grant is more necessary or whether the protection of these lives are more necessary! Sir, the departments responsible for the prevention or treatment of these epidemics always suffer for want of funds and are thus unable to cope with the diseases properly. I have proposed a cut which is not too severe. The cut has been proposed with a view to find if it can be effected without affecting the police administration. If however it is not possible it is usual with the Members of the Executive Council to bring a supplementary demand for the money. An attempt ought to be made to reduce the budget estimate on this head on the part of Government and if that attempt is successfully carried out I think other departments of Government, such as Medical or Public Health, might be much benefited. With these words, Sir, I beg to commend my motion to the acceptance of the House.

Mr. CHARLES GRIFFITHS: Mr. President, Sir, speaking on the motion before us, in view of the fact that it was indicated by the Hon'ble Sir Robert Reid that there was to be a reduction in the Police Force, and seeing that only a few Anglo-Indians are employed in the service, it is to be hoped that when the axe is applied men belonging to my community will not be touched, more so, as there is so much unemployment among us, and further I understand that Anglo-Indians

as an Indian community being Christians are not objected to by both the Moslems and Hindus in this particular service, due to their communal differences.

Again we render the Province a great service by providing men in the Auxiliary Force for the internal security of the country, and I trust that on this score too our case will be favourably considered in the Police Force when the cut operates.

Mr. NARENDRA KUMAR BASU: In rising to speak on this motion, I do not know which to admire most, the logic of the mover of the motion or his facts. No one in this Council during its long life has been a more persistent critic of the largeness of the police budget than myself, but I must say that the motion of the Doctor from across the river to cut down the number of constables in Calcutta, the total number of whom is 3,435, is something which would not be backed by any sensible man of Calcutta. To look after about ten lakhs of people, there are only 3,435 constables, and speaking for myself, I feel that the number of constables in Calcutta is much too low, and that if there were more constables, probably our properties might have been safer. As a matter of fact, in spite of my repeated applications to the police authorities, I have not been able to get a couple of constables posted in that part of the town where I live and where there have been burglaries almost twice or thrice every week. Whenever I have applied to the officer in charge of the police-station concerned or to the Deputy Commissioner, I have been favoured with replies that the number of constables in Calcutta is much too low, and that you cannot have all the streets of Calcutta paraded, much less can you have constables posted at all the important junctions in residential quarters. That being so, I do not know what the disposition of the constables is, but I am quite sure that the number of 3,435 constables for a City like Calcutta with a population of over ten lakhs, is not a very high figure. I think that the number is probably inadequate, and that probably with a more numerous staff and a better disposition, our properties could have been safer. I oppose the motion on the ground that the statement made by the hon'ble mover of the motion that the constables while away their time chewing *pan* and doing nothing is not correct.

I have had occasion to pass the Clive Street corner of the Strand Road many times but have never seen clusters of constables assembled in the *pan* shops passing their time idly in chewing *pan*: whatever the experience of the Howrah Doctor may be.

Dr. AMULYA RATAN GHOSE: On a point of personal explanation, Sir. I have never said that the number of constables should be

reduced. Mine is a general cut motion, the intention of which is that Government may cut down the expenditure on the establishment charge for constables or for sub-inspectors or for inspectors. Mr. Basu has simply misunderstood me.

The Hon'ble Sir ROBERT REID: I think we should be very grateful for having had this expression of opinion from a real citizen of Calcutta on this subject of reduction of police constables of Calcutta. I am grateful to him for demolishing the Doctor from across the river. I do not think any member of this House wants to discuss this motion any further, and I would merely say that I oppose it.

The motion was put and lost.

Adjournment.

The Council was then adjourned till 3 p.m. on Monday, the 23rd March, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 23rd March, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 97 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Jute weaving demonstration parties.

*62. **Rai Bahadur AKSHOY KUMAR SEN:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(*i*) that many jute weaving factories have been started by the students trained by Government jute weaving demonstration parties in the district of Faridpur;

(*ii*) that 350 maunds of jute yarn were consumed by the said factories to manufacture various kinds of articles during last year; and

(*iii*) that there are only two jute weaving and two wool weaving demonstration parties working in the whole province under the unemployment relief scheme?

(*b*) If the answer to (*a*) is in the affirmative, are the Government contemplating an increase in the number of such parties with a view to helping to solve the question of unemployment amongst the youths of Bengal?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Sir Mohiuddin Faroqui, of Ratanpur): (*a*) (*i*) and (*iii*) Yes.

(*ii*) Government have no information as to the exact amount of jute yarn consumed.

(b) Not at present. The question will be considered when the results of the working of the unemployment relief scheme are brought under review later in the year.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state in what other districts such weaving factories have been started?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I want notice.

Pottery demonstration party.

*63. **Rai Bahadur AKSHOY KUMAR SEN:** (a) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(i) that pottery factories have been opened by young men at Rajbari (Faridpur), trained by the Government pottery demonstration party; and

(ii) that there is a large demand for the textile, pottery, bell metal, umbrella, cutlery and soap demonstration parties by the people of Bengal?

(b) If the answer to (a) is in the affirmative, are the Government considering the desirability of confirming the present demonstration parties?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: (a) (i) and (ii) Yes.

(b) Not at present. The Unemployment Relief Scheme in connection with which these parties have been employed is still in an experimental stage. Steps are being taken to collect materials for a complete review of the scheme and the question of confirmation of existing demonstration parties will be considered in the light of the results achieved.

Silk industry of Bengal.

*64. **Maulvi ABDUS SAMAD:** (a) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a concise statement—

(i) embodying the recommendations of the Tariff Board regarding the protection of silk industry of the province; and

(ii) showing how far the said recommendations have been given effect to and with what result?

(*b*) Will the Hon'ble Minister be pleased to state whether the result so far achieved has been found adequate for the protection of the industry from foreign competition?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state what further steps, if any, do the Government propose to take in the matter?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: (*a*) (*i*) and (*ii*) The member is referred to the summary of recommendations contained in Chapter XVI of the Report of the Board and the Indian Tariff (Amendment) Act, 1934, which imposed additional duties on raw silk and silk materials for safeguarding the silk industry.

(*b*) So far as the silk industry in Bengal is concerned it is not possible yet to form an estimate of the result of the measure which was brought into force in May, 1934, but the matter is being watched.

(*c*) The question does not arise.

Maulvi ABDUS SAMAD: Will the Hon'ble Minister be pleased to state what is the amount of additional duty which the Tariff Board recommended to be imposed for raw silk material?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I may refer the hon'ble member to the report of the Tariff Board.

Babu JITENDRALAL BANNERJEE: Has the Department of Sericulture been placed upon a permanent footing yet?

Mr. PRESIDENT: I am afraid that this question does not arise.

Babu JITENDRALAL BANNERJEE: If the Hon'ble Minister chose to answer it?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I have nothing to add.

Babu SATISH CHANDRA RAY CHOWDHURY: With reference to answer (*b*), will the Hon'ble Minister be pleased to state how far the recommendation of the Tariff Board has been given effect to?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: The hon'ble member will find it in the Government of India's Report on the Tariff Board.

Rai Bahadur SATYA KINKAR SAHANA: Will the Hon'ble Minister be pleased to state if this additional duty has been imposed on imitation silk as well?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I want notice.

Recruitment of backward classes in North Bengal as Sub-Inspectors of Excise.

*65. **Babu KSHETRA NATH SINGHA:** (*a*) Will the Hon'ble Minister in charge of the Revenue (Excise) Department be pleased to state how many Excise Sub-Inspectors will be appointed this year?

(*b*) Is it in the contemplation of the Government to allot some posts for the backward classes of North Bengal?

MINISTER in charge of REVENUE (EXCISE) DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Fifteen Sub-Inspectors have been appointed in 1935-36. Two are members of the backward classes.

(*b*) Their claims are duly considered as vacancies arise.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1936-37.

DEMANDS FOR GRANTS.

Maulvi ABDUL HAMID SHAH spoke in Bengali, the following being a translation of his speech:—

Sir, I beg to move that the demand of Rs. 43,39,000 under the head "26—Police—A—Presidency Police" be reduced by Rs. 110. I appealed to the hon'ble members of this House not to indulge themselves in any controversy amongst the rural and urban interests, as it was against the principles of good politics. The Sun shines uniformly on the hills and valleys, palaces and pools. Our Government also should be equally uniform in spending for the administration of Police in the City and the Presidency. The amount required for the Police administration in the Presidency of Bengal in proportion to the City of Calcutta, on the basis of area, would go beyond calculation. So, leaving that point aside, on the population basis also we find—for the twelve lakhs of Calcutta citizens forty-three and a half lakhs have been charged—the rate per head being Rs. 3½. Whereas, for the five crores of the rural people a sum has been charged, somewhere near the ratio of only a few annas per head. Is it even-handed justice? Is any such instance possible in any administration elsewhere in the whole world?

Sir, the Calcutta representatives put forth a plea that they pay a considerable portion of the Excise revenue. I challenge this statement. It is the rural *zeminders* residing at Calcutta and the rural

visitors of Calcutta who pay the major portion of the Calcutta Excise revenue and the other Calcutta revenues and taxes too. Is there any other sphere of modern luxuries in Bengal, where the rural wealth is more apt to vanish? It is the rural *zeminders* and businessmen who have rented the palaces of Calcutta and it is the rural population residing in Calcutta who pay the earnings under the head "Court-fees and Stamps" there. So, it is preposterous on the part of the Calcutta citizens to stand in the way of rural safety or rural uplift.

Maulvi ABUL KASEM: I rise to support the motion now before the House which was so eloquently, and I may add, vehemently moved by my friend Maulvi Abdul Hamid Shah.

I have been moving this motion in one form or other since the day when you, Sir, began to adorn that Chair, and during these ten years I find that I have cried in the wilderness more or less, and if I still persist in doing so, it is only because I am a firm believer in the fairness and justice of my cause and, although justice has all along been denied by robust persistence, I hope that by continuous agitation over the matter some good will be done.

In the first year, when I moved this motion in the form of a resolution, our friends the Swarajists, who were then in this House, were not only opposed to a man by their vote, but also by their speeches as well. There was, however, some little place in the wilderness in the shape of the then Member in charge of the Police Department, the Hon'ble Mr. Moberly, and in reply to my resolution he said that "although no reply was necessary when the House was against it, I might say on behalf of the Government that if this motion is modified and approved by the House, Government will consider it favourably." Therefore, Sir, the responsibility was shifted from the Treasury bench to the non-official benches, and believing that I will get the support of my countrymen at any rate, I have moved it year after year, and though I have not yet succeeded, I have not lost my faith and my hope remembering the words of the poet—"though vanquished he would argue still."

We are told, Sir, that Calcutta is a big city. Well, we have no doubt of it, and we are proud of it. But is it a big city without our help? Under the law itself, for the improvement of this magnificent city, whenever we have to cross the Hooghly or come across the Sealdah station we have to pay tax, and whenever we have to go out we have again to pay tax as well. What is more, for our living in Calcutta, either temporary or permanent, we have to pay all sorts of taxes and other things for our residence in Calcutta. So Calcutta can have no obligation on us. On the other hand, it is the citizens of Calcutta who are in a debt of gratitude to us. Now, my friend has pointed out that Calcutta is a rich city; but for its police, we, the poor cultivators of

Bengal, are asked to pay, and why, Sir? Because Calcutta is a magnificent city and the people living there cannot afford to pay for the police as they have to run, as I have often said, their Rolls Royce, as they must have cooling apparatus, as they have to have a thousand other amenities of life, as for example cobwebs of cinemas and theatres. The man who tills the soil—the man who cannot pay for food and clothes to his family—even if he starves, he must pay for the police, for the protection and convenience of the Calcutta people. Sir, the Hon'ble Mr. Moberly told me once that all the municipal towns should pay for the police in the rural areas. I said: "Quite right, but it is only insignificant as compared with the Calcutta Police. The cost of the rural police is insignificant because in rural areas police is required for the protection of a bunch of plantains, or rice or small belongings of the poor people and for that they have to pay *chaukidari* tax. In Calcutta when you ask us to pay you say: "Look here, you must pay as our wants are great." But, Sir, why should the Calcutta Corporation with an income of four lakhs (VOICE: It is four crores), I am sorry—but whatever may be the amount of the income of the Calcutta Corporation—not be made to pay a portion of the cost of the Calcutta Police; why should we the poor cultivators be asked to pay for Calcutta? Is it justice? Is it fair play that we the people of rural Bengal should be made to pay for the people who are enjoying the luxuries of Calcutta? What is more, Sir, I beg most respectfully to submit to this House, and especially to the Government benches, that the most important part of Calcutta is Zakaria Street, Burra Bazar and Clive Street. The people there are mostly from outside Bengal, and they are all people who do not contribute any revenue to the Government of Bengal; they may pay income-tax out of the income they derive from their business; but they are free from all other liabilities and encumbrances. People from Delhi, people from Kathiawar, people from Bombay all come to Calcutta to make money. I have no grudge against them; they have got ability and industry and, what is more, they have got sufficient wisdom to take money out of us, but because we are unable to earn money, because we are fools, and they are clever, it is not fair that we should be made to pay for their benefit. I submit, Sir, that they should pay for the benefit of their own protection and safety in Calcutta. My friend Maulvi Abdul Hamid Shah said that he has moved this resolution with the object of clearing the path for our successors, when the next Government come into office. But I have still hope left, and I believe that the Treasury bench, as they are now constituted, will not give a parting kick to rural Bengal and do some justice. I have heard people from the most august to the lowest rank, and what is more I have heard Mr. Gandhi saying that he was out for rural uplift. Sir, humble as we are, we do not want great uplift; what we want is pure drinking water; we want small communications by which we could carry our produce to

the market and what is more we want irrigation and drainage. But when we say anything about these small things, we are told in reply that "you must pay for it and pay in full and that Government cannot afford to do anything." The Treasury bench will bear me out when I say that since the inauguration of the Reforms—it is not a Reform as there has been no Reform in the Constitution; it is only a change of Constitution—the people of Bengal have had to pay many additional taxes for carrying on the ordinary routine of the administration and not for any special facilities. But nothing has been done, can be done and will be done for the rural areas and rural population, because Government cannot carry its own usual administration, its ordinary business without taxation, and within this period they have imposed as many as five taxations for the carrying out of this ordinary top-heavy administration. Let them do it. What I submit is this: My friend has said by looking at the Budget estimate that the annual police expenditure is Rs. 43 lakhs. I respectfully submit that it is more than that. Government has drafted this Budget very cleverly and a great deal of the money they spend for the police—for the Calcutta Police—is put under the Public Works Department, and the money that is spent on brick and mortar for the convenience of the police and police officials has always been put under the Public Works Department. Recurring expenditure is shown under the police head and the capital expenditure under Public Works. I think by a rough calculation something like Rs. 76 lakhs the people of Bengal have to pay for the upkeep of the Presidency Police. I do not deny that the Presidency Police wants strengthening and, in fact, as Mr. Narendra Kumar Basu has said, it is undermanned (it may be top-heavy) in the lower ranks of constables and head-constables—there it is actually undermanned. So it is equitable that the rich flourishing people of Calcutta should pay for the Presidency Police. If the Corporation of Calcutta can realise Rs. 44 lakhs, can it not pay Rs. 15 or 16 lakhs for its police? It is said that the municipality is in deficit, and I submit that it is certainly true that the Corporation of Calcutta is in deficit, but that is not because its income is small or is not sufficient, but because there is a good deal of mismanagement and a good deal of want of supervision. I will not go further; I will not abuse my privilege by saying many other things which come to my mind and come to the minds of many of my friends. With these words I take my seat, and I do it with a strong appeal to the Treasury bench that they should sympathetically treat us. I can assure the House that I know from my personal knowledge that almost all the members of the Treasury bench are in sympathy with us, and I hope that they will feel the injustice of it, but in their official capacity they can do nothing. It was said in England in the House of Commons that there were three kinds of lies—one is lie, pure and simple, second, prevarication, and third official report. So the official report is otherwise. But the question that I submit is that they should take courage in both

hands and charge Calcutta for the Presidency Police, and I appeal to my friends and the citizens of Calcutta to remember that they are rich men and a few thousands this side or that side does not matter, and they should not allow these 76 lakhs of rupees to be realised from people who cannot have two meals a day. Therefore, their sense of justice and sense of pity ought to make them realise that this amount should be paid by them.

Mr. S. M. BOSE: I am sorry that not one of my friends has cared to look into the past history. If he had cared to read Mr. Goode's book on Municipal Calcutta, Chapter VIII, he would have found a very valuable summary of ancient history. That originally Government contributed a sum for judicial charges in Calcutta, but in 1847, by Act XVI of 1847, a Board of seven commissioners was appointed for the town and municipal management was separated from the administration of police, the cost of such management being defrayed from house taxes and horse taxes, and all expenses connected with the police falling upon Government. In 1867 the Government of India insisted on the cost of the police being met partly from municipal funds. Then we come to Act XII of 1867 by which the entire police charges were thrown upon the Calcutta Municipality and provision was made for a police rate to raise the necessary funds. That Act authorised the levy of a police rate from all occupiers of buildings and land in the town up to 3 per cent. of the annual tax. In 1868, on the proposal of the Chairman, Government agreed to give to the Police Fund all fines realised from hackney carriages, etc. Then we come to another famous landmark, viz., Lord Ripon's resolution on Local Self-Government in 1881. There it was stated that "the Governor General whould, therefore, be glad to see the municipal bodies relieved altogether from charges for the police and an equal amount of expenditure on education and medical charity.....public works of local interest being transferred with as full control as may be practically expedient over the details of expenditure." So under this resolution it was proposed that the Government should relieve all the municipalities of police charges on condition that an equal amount was spent by the municipalities for education, medical charity, public works, etc. In 1884, the commissioners for the town of Calcutta, after carefully examining the effect of Lord Ripon's resolution of 1881, moved the Government to relieve them of all police charges on the understanding that a sum based on such actual charges during the past few years should be set aside annually from the General Fund for large town and *bustee* improvements the execution of which would otherwise be beyond their resources. So that here was an exchange—the municipality promised

to pay a large sum of money for town improvement and *bustee* improvement, provided Government relieved them from the duty of meeting the police charges and that arrangement was accepted. Mr. Goode further says that in 1888 the whole question was subsequently examined by an independent committee which strongly recommended the removal of the burden of police charges from the Corporation in view of the fact that surplus resources were all required for the improvement of new areas. So we find Act II of 1888 which repealed Act IV of 1876 did not reimpose upon the municipality the statutory obligation of contributing to the cost of the city police, but contained a new clause binding the Corporation to expend annually not less than Rs. 3 lakhs on the execution of works of sanitary improvement in the new outlying areas. So this short history will show us why the police charges were no longer to be levied from the town of Calcutta. In fact, it was of a piece with the general policy. We are aware that originally municipal towns had to pay for the whole of their Watch and Ward Department and each had to pay for its own police. Now the Government have taken charge of the police and instead of each municipality having a separate police, we have a general police force for the whole province. So it is going back to the past to try to have a separate police force paid for separately by individual towns. We have in the past had the question of partition of Bengal and a good many of my friends who are supporting this motion were strongly against the partition of Bengal. They wanted East Bengal to be attached to West Bengal chiefly to Calcutta—Calcutta which was the head of Bengal and was the head of India. They were in the past very eager to be attached to Calcutta. Now they are trying to do the reverse; they are trying to partition Calcutta from the rest of Bengal. As I said last year, Calcutta and the rest of Bengal form one organic whole, and we should not say that Calcutta should pay so much and the rest of Bengal so much. We cannot, as I said, divide the expenditure saying so much should be paid by the Calcutta people and so much by the people outside Calcutta. Let us carry our argument a little further; a large number of people come to Calcutta from East Bengal and North Bengal. They pay no tax, but they take advantage of the roads, and the water, contaminated though it be. They take advantage of the drainage system and the lighting; they pay no tax for light and water. Is it to be argued, therefore, that there should be a tax levied on each person who comes to Sealdah or Howrah station—a tax varying according to the number of days of his stay? That is absurd and futile. It is impossible to divide. Then look at the High Court. The Appellate Side of the High Court deals with cases of people from outside Calcutta, but the Judges are paid by the whole province and not separately by the people from outside. The same argument holds good in the case of the Original Side that occupy the attention of six or eight Judges of the High

Court that there should be a special judges' tax raised from the people of Calcutta. All these show the absurdity of the idea underlying this motion. Then, about the Howrah Bridge: We know that a tax will be forced upon Calcutta for its construction and people from West Bengal and East Bengal who pass through Calcutta to go to Gaya, Madhupur, Simultola, etc., will not have to pay for this tax, although they will use the bridge.

Babu JITENDRALAL BANNERJEE: They do pay.

Mr. S. M. BOSE: All that shows the absurdity of any idea of trying to separate the expenditure on the Presidency Police. I, therefore, oppose the motion.

Maulvi ABUL QUASEM: I rise to give my wholehearted support to the motion of my friend Maulvi Abdul Hamid Shah. This motion is a hardy annual. We coming from the *mufassal* are not tired of ventilating our long-felt and deep-seated grievance year after year but Government have the stock reply that the question bristles with difficulties for which they are not yet ready with a solution. The other day the Hon'ble Sir B. L. Mitter advised us to go on hammering till we gained our cause. We take his advice and mean to go on hammering. We have just heard what a representative of Calcutta had to say on this question and some of his arguments really took my breath away. The people coming from *mufassal* do not contribute to the cost of maintaining the municipal administration of Calcutta. That is the statement my friend, Mr. S. M. Bose, made. Sir, do the people, who come here even for a day, not pay by way of terminal tax for the improvement of Calcutta? Do they not stay in hotels and help to maintain those hotels who have to take out licenses at a fee from the Calcutta Corporation? Do they not travel in motor buses and taxis and trams and other conveyances and do these people not pay to the coffers of the Calcutta Corporation? Therefore to say that dwellers of Calcutta alone pay the cost of upkeep of the municipal administration is to say something which is not true. Government's idea is that the village people should find money to maintain their own watch and ward police. Why should not the same principle be applied to the city of Calcutta? Even in the present times of distress people have got to find money to maintain *chowkidars* and *daffdars* in their villages. The city of Calcutta which boasts of a revenue of four crores of rupees is served by a police force the cost of which is imposed on the provincial revenues. Is it just? Is it fair? It shows the injustice, the inequity and the unfairness of the whole procedure. Calcutta is a rich city and in view of the fact that the city is rich, and inhabited by a dense and hetrogeneous population its police cost is necessarily heavy. Why should the people of the *mufassil* be made to bear the cost of the Calcutta Police? That is a question which has been raised year after

year by several members of this Council, and until this question is answered satisfactorily they will not refrain from going on hammering at it. One other argument used by my friend, Mr. S. M. Bose is that the *mufassal* people do not contribute towards the cost of the upkeep of the Calcutta High Court. Sir, do not *mufassal* people pay more court-fees than is necessary for the administration of justice? In the *mufassal ad valorem* fees have to be paid on the value of suits. Here in Calcutta litigants in the original side of the High Court pay by way of court-fee sums which are nothing in comparison with what is paid by the *mufassal* people. Then, Mr. S. M. Bose made the statement that Calcutta and Bengal should be regarded as one organic whole. May I ask him to preach the principle, which he has prescribed in the case of the people of the *mufassal*, to the people who have sent him to this Council? In the Calcutta Corporation a cry has been raised that appointments should be given to the *bona fide* residents of Calcutta alone and that the *mufassal* people have no right to claim appointments in the Calcutta Corporation. Can the Calcutta people live for a moment without support from the *mufassal*? Is not Bengal maintaining Calcutta? When Calcutta people are so short-sighted and narrow minded as to say that appointments in Calcutta Corporation should go to the people of Calcutta alone, how can rural Bengal feel that there is an organic connection between them and Calcutta? When village people have to maintain their police by taxing themselves, why should not Calcutta pay for its own police. Just consider this. People in the *mufassal*, in several districts, my district included, are in the grip of famine. I call it famine because the condition of things prevailing in my district just now is such that it cannot but be called a famine. Even when they are in the grip of famine they have to find money to maintain the village police and Government would not come to their rescue. Here in this rich city of Calcutta if the citizens are asked to contribute even a part of the money required for the maintenance of the Calcutta police, how can it be characterised as unjust and unfair? Therefore, I submit that the whole cost or at any rate a substantital portion of the cost of the police administration of Calcutta should be borne by the people of Calcutta themselves.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, as against the historic background given by my friend Mr. S. M. Bose I want to say that in all modern cities the charges of police are borne by the Corporation. In England the charges of the Metropolitan Police are borne by the London County Council by a special rate. It has always been from the beginning of the 19th century till lately in 1919 when a new Act was passed and half the cost was thrown on the Imperial Exchequer. The whole thing is based on the principle of equity. Apart from the controversy between the mufassal and Calcutta,

here in Bengal the reasons why the cost of the Presidency Police should be borne by the people of Calcutta must be more potent than they are in other countries. Calcutta does not represent the mufassal areas in the sense that one coming from the foreign countries seeing Calcutta only will have to go away with the wrong idea that the opulence which he saw in Calcutta was only a reflection of the opulence of the rest of Bengal. It is, therefore, in the interest of Bengal that something must be done to relieve rural Bengal of the burden which lies on their shoulders, even if it means a little addition to the people of Calcutta who can bear that additional burden. The Corporation's income is not derived from the people of Bengal alone, but also from all other people who come to this place, and the richness of the city is due to the contributions made by the merchants and other people who require special protection, not the same protection that is given to people in the mufassal areas. For the purpose of special protection, they ought to be prepared to make their own contribution in the matter of maintaining a sufficiently large police force in Calcutta. If only this aspect of the question is considered, I submit it will not be iniquitous to make a demand that Calcutta should pay for its own police, just as it pays for its own lights, water and drainage system. As regards the question whether the mufassal people should make contributions, I submit that they are contributing not only in the shape of direct taxes, but also in the shape of indirect taxes. If they stop their contribution, the city of Calcutta will dwindle into a city of hamlets and small huts. Apart from the question as to how much the mufassal people are contributing towards the prosperity of the city, I think it is just and reasonable to ask the Corporation of Calcutta to contribute a part of the cost of the police force which is maintained in the city of Calcutta in view of the fact that the Corporation derive a large income from the police arrangement that exists in this city for the security of life and property of the merchants and other big people. The provincial revenue is very inelastic and there is very little room for expansion. That being so, some means ought to be found to meet the situation, and one of the means that can be thought of and for which there are precedents to be drawn from the big cities of other countries is that Calcutta should pay for its own police. The analogy of what prevailed in Calcutta 100 years ago should not hold good now. From that time to-day Calcutta has grown to be the second city in the British Empire. We must judge the matter from the state of things which obtain to-day and from the reality of the present day situation, and I think there can be but one conclusion that Calcutta ought to pay at least a part of the cost of maintenance of law and order in the city. During the last Budget session the Hon'ble Member, while replying to the debate, remarked that he did not think it was so very absurd a demand on the part of the rest of Bengal, and he assured the House that he would study

the question and try to give some sort of guidance to the next Council as he then apprehended that the Council would break up in the near future. We would like to know what the Hon'ble Member has done since then on this problem which has been raised in this Council from year to year and which is called a hardy annual. It is not a proposition which should be lightly brushed aside. With these words I give my support to this motion.

Babu JITENDRALAL BANNERJEE: The arguments and illustrations adduced by Mr. S. M. Bose are so rare, precious and exquisite, they are so novel and original as to leave us gasping for breath. However, I need not hammer on that point any longer. Personally, Sir, I have no sympathy for the city of Calcutta. We come from the mufassal and are proud of belonging to the mufassal. This big crowded, filthy, stincking city of yours has no attraction for us: it seems like a huge, suffocating abcess on the fair face of Bengal. But I cannot help thinking that Mr. Kasim, makes a mistake—he has been making this mistake for the last several years—regarding this question as one of rivalry and contention between Calcutta and the mufassal. The question whether the cost of maintaining the Calcutta police should come out of the provincial revenues or not is more or less of an academic interest. The point—and it is an exceedingly short one—seems to me to be this. The cost of maintaining the police in Calcutta and other municipal towns of Bengal now comes from the provincial revenues, whereas the cost of maintaining the police in rural areas comes from the rural people themselves. Why this differential treatment? Are the rural people better off than the people of Calcutta? Of course, it may be said that the cost of maintaining the rural police would be prohibitive and the provincial revenues are not opulent enough. But the same argument may be applied in the case of Calcutta also and the same line of policy ought to be followed in the case of both Calcutta and the mufassal. Either pay the cost of the police in the mufassal as well as in municipal areas out of the provincial revenues; or, if the provincial revenues are not to be charged with the burden of the rural police, then do not charge the provincial revenues with the cost of the Calcutta police. If there is any difference, one fails to understand why this difference should be in favour of Calcutta and against the mufassal. From every consideration of equity, justice and fair dealing, it ought to be the other way about. As for the rest, the quotations given by Mr. S. M. Bose are nothing to the purpose and his history is entirely *malapropos*. He says that Calcutta was relieved of the burden of maintaining its police, simply because the Calcutta people agreed, or rather the municipal authorities of Calcutta agreed, that certain other costs should be borne by them. Sir, the mufassal people would be very glad to have the same bargain on the same terms. If they could be relieved of the cost of maintaining the police, they

would very gladly contribute, according to their resources, towards th cost of improving the amenities of rural life. At present, the unio boards of Bengal seem to be labouring under a curse of sterility. The are tied hand and foot, they cannot move, they cannot do anythin simply because their resources are so poor; and yet low as thes resources are, they are fully mortgaged to the average extent of nc less than three-fourths in the heavy task of paying and providin uniform for the chaukidar. Once relieve them of this incubus, and the would gladly spend their revenues in maintaining roads, improvin water-supply, and discharging other functions of an utilitaria character. Sir, the same argument must apply in both cases: and appeal to the Government once again that they must not hav one law for the people of the mufassal because they are poor, and an other law for the people of Calcutta because they are rich, big, an influential, and because they can easily catch their ears.

The Hon'ble Sir ROBERT REID: Sir, I do not propose to go int the merits of this well-worn subject this afternoon. As the mover o the motion has said, his intention was to raise this debate so as to leav it on record for the benefit of the new Government and that, as a matte of fact, has been the attitude which this Government have taken, any how, during the last two occasions—last year and the year before—when this same subject was debated on a motion of our friend Maulv Abul Kasem. As Maulvi Abdul Hakim has said, it is a pity to impor into this matter this antagonism between the town and mufassal. Thi is a subject which certainly ought, if possible, to be dealt with o impersonal lines. Anyhow, I said last year that I would try an collect some materials for the new Government to go upon when they applied themselves to this subject, as so many of us hope that they wil in due course, and we have got a certain amount of material. On thing it has shown is that it is very difficult to divide the expenditur on the Calcutta Police into separate compartments so to speak—expenditure which is necessitated particularly by the conditions in Calcutta, and expenditure which is of a nature common to polic expenditure both in the town and in the country. And I should think, if there is any attempt made in the future to divide and to place a part of the burden of the expenditure on the Calcutta Police on the rate-payers of Calcutta, it would have to be done in some rather arbitrary fashion. Perhaps it would be decided that the Central and the Provincial revenues should provide half the cost and the ratepayers of Calcutta the other half. But this is merely by the way; it does not affect the present position.

In conclusion, all I can say is that it is impossible for this Government to do anything but oppose the cut motion, because it is a cut in a Budget provision based on things as they are. Moreover, we feel that

it is not a matter on which a Government, which is shortly to change its character and which is so near to the end of its period of existence, should come to a decision.

Sir, I beg to oppose the motion.

The motion was put and a division taken with the following result:—

AYES.

Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Barma, Babu Promhari.
Chaudhuri, Babu Kishori Mohan.
Choudhury, Maulvi Yousef Hossain.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Rurni Abser.
Faziullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Hoque, Kazi Emdadul.
Hossain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Maiti, Mr. R.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Quasem, Maulvi Abul.
Rahman, Maulvi Azizur.
Ray, Babu Amulyadhan.
Ray Chowdhury, Babu Satish Chandra.
Ray, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Sahana, Rai Bahadur Satya Kinkar.
Samad, Maulvi Abdus.
Shah, Maulvi Abdul Hamid.
Singh, Srijut Taj Bahadur.
Singha, Babu Kshetra Nath.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Tarafder, Maulvi Rajib Uddin.

NOES.

Armstrong, Mr. W. L.
Bai, Rai Sahib Lalit Kumar.
Banerji, Rai Bahadur Keshab Chandra.
Basir Uddin, Khan Bahadur Maulvi Muhammad.
Bass, Mr. S.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chaudhury, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Maulvi Syed Osman Haider.
Cohen, Mr. D. J.
Das, Babu Guruprasad.
Faroqui, the Hon'ble Nawab Sir Mohiuddin, of Rampur.
Ferguson, Mr. R. H.
Gilchrist, Mr. R. N.
Graham, Mr. H.
Griffiths, Mr. Charles.
Haldar, Mr. S. K.
Hoque, the Hon'ble Khan Bahadur M. Azizul.
Hogg, Mr. G. P.
Homan, Mr. F. T.
Hooper, Mr. G. G.
Hossain, Maulvi Latafat.
Jenkins, Dr. W. A.
Kinderslay, Mr. J. B.
Lamb, Mr. T.
Leesen, Mr. G. W.
Maguire, Mr. L. T.
Miller, Mr. C. C.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Nag, Rev. B. A.
Norton, Mr. H. R.
Porter, Mr. A. E.
Raheem, Mr. A.
Rai Mahasai, Munindra Deb.
Ray Chowdhury, Mr. K. C.
Reid, the Hon'ble Sir Robert.
Ray, the Hon'ble Sir Bijoy Prasad Singh.
Shahabuddin, the Hon'ble Mr. Khwaja.
Stevens, Mr. H. S. E.
Thompson, Mr. W. H.
Townsend, Mr. H. F. V.
Woodhead, the Hon'ble Sir John.
Wordsworth, Mr. W. C.

The Ayes being 34 and the Noes 45, the motion was lost.

26B—Police—Superintendence.

Maulvi ABUL QUASEM: Sir, I beg to move that the demand of Rs. 1,90,000 under the head "26B—Police—Superintendence" be reduced by Rs. 100 (desirability of meeting the cost of village police in the distressed areas out of provincial revenues).

I wish to bring to the notice of this House the sad and the almost tragic conditions which are prevailing in certain parts of my district. Sir, my subdivision is the worst affected. On account of the failure of rains this year there has been a widespread failure of crops in all parts of my district and test works have been started in the Shamnagar thana in Satkhira subdivision. There are two places where these test works are going on namely at Ishwaripur and Noornagar. At Ishwaripur 1,500 men are working, and they are given wages at a rate which never exceeds 8 pice per diem. All the workers however, do not get that amount; they usually get from 4 to 7 pice, the maximum, which very few can earn, being 8 pice. At Noornagar about 1,000 men are working. The difficulty is how to manage the works. I came back from Khulna only yesterday, and I learnt from people who are personally in touch with these works that the difficulty was to provide these workers with baskets and spades. Sometimes touching scenes are witnessed. It is, impossible to supply all of them with spades fitted with handles but the workers will simply get hold of the spades without handles and will not wait to have these spades being properly fitted. Their fear is that if they fail to get hold of the spades they will not get any work that day. Then there is another phenomenon in our part of the country. Women of the peasant class who never come out for work of this nature are now coming in considerable numbers to do even this sort of work to which they have never been accustomed. Sir, my point is to emphasize the fact that real distress which may be properly described as famine prevail in many parts of Khulna. In the Bagerhat subdivision also, test work has had to be started in some parts. I submit, Sir, that if this relief is to be adequate, if relief is meant really to relieve, if I may so put it, it should be whole-hearted and comprehensive. But while the distress is there, no exemption has been granted to the distressed people from the payment of the chowkidari or the union rates. My present purpose is to appeal to Government to exempt these people from chowkidari or union rates so long as the distress prevails. While speaking on the last motion, I said that there was no reason whatsoever why the people of the province as a whole should be asked to bear the entire cost of police administration in Calcutta, considering that the village people have got to find the entire amount necessary for the maintenance of chowkidars and daffadars. In this motion I ask the Government with all the emphasis that I can command to exempt the poor village people at least so long as distress prevails from the payment of chowkidari or union rates. That will give them an appreciable measure of relief. I would appeal to Government also to visit those places where test works are going on and see whether the time has not come to declare a famine and grant gratuitous relief to the distressed people. Whenever people die of starvation, Government say that they have died of natural causes. But how was that natural death brought about they never care to go into. The real cause is that from

continued starvation and semi-starvation their resisting power is diminished and then they fall victims to diseases which carry them away and Government declare that they have not died of starvation. Government should declare a famine where actually famine conditions prevail and give all possible measures of relief to the distressed people. With these words, Sir, I commend my motion to the acceptance of the House.

Rai Bahadur SATYA KINKAR SAHANA: Sir, I rise to give my whole-hearted support to the very reasonable cut motion that has been so ably moved by my friend Maulvi Abul Quasem. He has shown one aspect of the case. I shall try to explain another aspect of it. I shall just go into a bit of history. When the *zemindaries* were settled with the landlords, there was a clause in the settlement lease that they must maintain the village police. In pursuance of that clause, the *zemindars* left aside 8 to 16 *bighas* of land in every village for the maintenance of the village police, I mean the *chaukidar*. In our boyish days, people in rural areas had not to pay a single farthing towards the maintenance of *chaukidars*. I do not know why those lands were resumed by Government. Each 8 *bighas* of land meant for one *chaukidar* was resumed and settled with the landlord for Rs. 8, Rs. 4 to go to the landlord as his share and the balance of Rs. 4 to be contributed to the *chaukidari* fund. Formerly the rural people used to get the services of a *chaukidar* without paying anything, but now a sum of Rs. 100 has to be spent for a *chaukidar*. He gets Rs. 6 per month which comes to Rs. 72, and then there is a part of the pay of the *daffadar*, contingency and other charges which all told come to about Rs. 100. But we get only Rs. 4 from the 8 *bighas* of land which in previous days used to maintain a *chaukidar*. The balance of Rs. 96 therefore has to be collected from people who do not know what it is to have a full meal from day to day and who generally cannot afford to spend only 4 pice to save the life of his only malaria-striken son for the purchase of quinine! It is these people who are made to bear the *chaukidari* tax, and when they fail to pay it, their only ancestral drinking bowl in which there were a dozen soldering marks is sold by auction to realise 3 annas or even the quarterly rate of 3 pice from them. This is not only not just, but it is cruel to realise money from these poor people in that way. Just now my friend has said that people in rural areas who have got nothing whatever are made to pay for their *chaukidars*. I say, Sir, that these very people who generally live on one meal during six months in a year and one meal and a half during the other six months are made to pay for the Calcutta Police as well. This is the sort of justice which has been given to us and I do not know how to condemn it. Maulvi Abul Quasem has said that there is distress and famine in his district, but my district of Bankura is a land of perpetual famine and there the people are always on the verge

of perennial poverty. They have not been getting for the last three years their normal crop, and this year they are suffering from famine, although Government has not declared it, but says that there is some distress. It is a pity that these people shall have to pay for the *chaukidari* tax. They are now working as labourers and are paid two seers of paddy per diem which comes to 5 pice only, but they have also got to pay the *chaukidari* tax.

Maulvi ABUL KASEM: Sir, I rise to oppose the motion moved by my friend and namesake to my right. I am not disputing the facts stated by him, but I cannot say that the provincial revenues should contribute and pay for the police expenses on account of the *chaukidars*. After all, who are the people who suffer? It is the cultivator—the toiling millions of Bengal who suffer! But what is their worth? They do not possess Rolls Royce cars; they do not possess palatial residential quarters; on the other hand, what does it matter if they do not get a full meal from day to day, if they live in the midst of misery, if they die a natural death of diseases like tuberculosis, malaria or cholera, and what is more, even if they die of starvation? In fact, it does not matter much. These people cannot claim and have no right to claim any sympathy from men who are placed high in life, whether they are Government officers, *zemindars*, or rich territorial magnates. In olden days, once when the Nawab of Murshidabad was passing by, he heard the cries of a woman. He was told that her husband, who was a *syce* had died. The Nawab exclaimed: "Oh, he was not an *admi*"—meaning a man. So, these people who till the land and produce our wealth—the very people on the fruits of whose labour the rich people and Government and the Writers' Buildings exist—deserve no sympathy and ought not to deserve any; and, therefore, I oppose the motion.

Mr. P. BANERJI: My friend, Maulvi Abul Kasem, has opposed the motion in a sarcastic spirit, though in all sincerity he was not opposing it. I consider that there is no person in this House except the Government Members who can venture to oppose the motion. Sir, Government want us to believe that they are there to protect us, but I say that they forget that the police exists not to protect the people in general, but to protect the Government officials. Otherwise, it does not stand to reason to tax the people in the villages who are the poorest of the poor and who do not require any protection. They are made to pay not for their own protection, but for the protection of Government officials and other rich men. It has often been said that the village police is controlled by the union boards and not by Government, but it is also well known that in some of the districts, especially in Midnapore, union boards are being thrust upon the people practically at the point of the bayonet. I cannot understand the reason why, at this time when there is scarcity and famine in the land, Government instead of declaring it and granting small concessions to the poor

people in the form of remissions of small taxes, are going to realise those taxes, without caring in the least for utter inability to pay these. This is really an anomaly which must be removed at once. The Hon'ble Member has said in the course of a debate that it means that the scheme of the Government must be wholly changed. I say, if it is admitted to be necessary, why should you not do that immediately? Government find money always for the departments under the Hon'ble Sir Robert Reid; there is no dearth of money there. But why should this money come from the people who are starving in the villages? I consider this motion to be a very reasonable one, and Government ought to accept it and not insist upon the people having union boards when they do not want them. Government are always turning a deaf ear to the petitions of people in the countryside. But this is a very reasonable demand and Government should not only accede to their request which is a very modest one, but instruct the police not to harass the people or in any way commit *zoolum* over them.

(Here the Council was adjourned for fifteen minutes.)

(After Adjournment.)

Mr. P. BANERJI: Rai Bahadur Satya Kinkar Sahana was just telling us how the *chaukidari* system was abolished, and whether it was in the interests of the people or detrimental to their interests. If you go into the details of this system, you will find that Government all on a sudden changed the *chaukidari* system and took away all the lands and settled those with the *zemindars*. They, in turn, leased them out and paid Government certain rates. At that time the *zemindars* were given 50 per cent. of the revenue derived from those lands and in many cases where the *zemindars* leased them out, they had a windfall; 50 per cent. or Rs. 4 per eight *bighas* was realised by Government in shape of *chaukidari* tax. You now find that the whole system was abolished and the people have absolutely no protection. In olden days the *chaukidar* was entitled to certain *bighas* of land, and when he died his son became a *chaukidar*. That system was satisfactory, but nowadays the *chaukidars* are paid in cash, and the poor people are taxed for it, and the major portion of the money realised by union boards is spent on the village police and *chaukidars*, though the people in the countryside receive little protection from them. Although the people pay for these *chaukidars*, they have no control over them. Government changed their policy not with a view to giving protection to the people, but to take away the protection for which they are made to pay! Government get some money from the *zemindars* but that is spent in other directions. So I consider that this is the time when Government should pay the money from the provincial revenues for the *chaukidars* and the poor people at least temporarily should not be taxed. With these words I support the motion.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Sir, I have every sympathy with the motion just before the House, but I cannot agree that this should be limited to one district of Khulna or to some parts of a district. (A VOICE: Certainly not.) It should be the general policy of Government to see that the people of the villages are not overburdened with taxes when there is an acute economic depression in the country. In villages police charges have been borne by the villagers; some lands have been set apart to bear the expenses of the police. Out of the proceeds of the *chaukidari chakran* lands these charges are met. As Mr. Banerji has said if the union boards are relieved of the duties of meeting the expenses of the police, they can devote their attention to the uplift of the villages and the construction of roads and to improvement of water-supply. Owing to the economic depression, the income of the union boards has been affected much, and has been diminished to a great extent. If they have to pay the expense of *chowkidars* or daffadars, there would be no work for the union boards to do. So I strongly advocate the ideas. But there may be practical difficulties in giving effect to this proposal at once; but what I propose to do is to request the Government to consider this matter seriously. It deserves consideration, especially at a time when there is acute economic depression as is evident from the fact that relief works have been started in various places. The expending of money out of the proceeds of the taxes realised from the villages for the village police is a point worth considering. I do not want to go into details, but I want Government to look into the question earnestly. I do not want Government to give effect to the recommendation immediately, but they should take into consideration all the points mentioneed by the hon'ble members of this House.

Babu KSHETRA NATH SINGHA: Sir, I rise to oppose the motion on the ground of principle—the principle of Government. Our part of the province, that is the districts of Rangpur, Jalpaiguri and Dinajpur, are not affected at all by famine, starvation or anything of the kind. People are not eating the leaves of trees or they are not dying of starvation. Then why should we, the people who are living in luxury, eating two meals a day properly and getting all sorts of vegetables, fish and meat, pay for the starvation or famine of Satkhira or Khulna or any other place? I am not at all in favour of paying anything from the provincial revenues on which our part of the province has a share. We are not at all affected; let them die; whatever their position might be, we will not pay for them. We are living in luxury! The other day Mr. Hogg warned me that we, the scheduled castes, should not press our claims too far because that will bring hatred between the communities. If that be the case, then why should we, the people of that part of the province who are living in luxury and opulence, pay for the people of Khulna or Satkhira who are dying of starvation?

If Mr. Hogg can warn us, the really backward people of the province who require most help, with creating bitterness when we asked Government for education, food for our brains, and we are offered stones to eat—if that be the attitude of Government, what can we expect? Under the circumstances, if Government is willing to do justice equally to all, then it must do justice equally to all. So, we are not willing to pay our portion of the cost that will be incurred for Satkhira, Khulna or anywhere else!

Dr. NARESH CHANDRA SEN GUPTA: I am surprised to hear the speech of the last speaker, not because he said that he would not allow one single penny of Government money to be spent for any people except the people of his own district, but I am surprised at the principle which he wants to be followed and adopted in these cases. I should have thought that the principle connected with this matter was clear. If the people of towns and cities are to get protection of police at public cost, why should the villagers be made to pay for their police? That is a question of principle. On principle, there is no justification for placing the whole burden of the police in the village areas upon the people and providing for the police for the protection of the citizens of towns and more fortunate villages out of the provincial revenues. On more than one occasion I have spoken on a motion like this. I have also suggested that the Government's policy ought to be changed. The union boards ought to be relieved of the burden of the *chaukidari* tax if they are to do any useful work, and there cannot be two opinions about it. The union boards raise a substantial amount of money, but the bulk of it is spent on the expenses of the village police. I know that there is a history behind it. I know that the village police at all times in the past has been charged on the villagers themselves. At one time it was a charge on the *zemindar* and, later on, it was made a charge on the villagers, and when the union boards replaced the old *chaukidari panchayats*, their primary function became to provide for the village *chaukidars*. But the financial position of these village unions has got to be examined to see how far they will be able to do more useful work. That is the general question of principle. There is no ground or principle upon which villagers should be made to pay for the police of cities and towns. But this motion which is before the House does not ask for the whole hog. It only asks that having regard to the depression, having regard to the distress in some quarters, at any rate in those quarters the village police charge might be taken off from the union boards in order that the people might be helped. This is merely asking for an emergency help. I do not see any reason why the Government should think it unreasonable to ask for this little help, and I do not understand why my friend Mr. Singha should oppose such a proposal. He must remember that the people in Rangpur may be living in opulence to-day, but to-morrow, when there is distress all over the country, the people of

Rangpur will not be in their present condition. If his speech was merely ironical which I do not appreciate it was, I must say that he expressed himself in very unhappy words. If Rangpur is suffering from distress, it should naturally get help from the other parts of the province. The motion of my friend Maulvi Abul Quasem does not concern Khulna or any other district in particular. Therefore, I submit that he has a very strong case.

The Hon'ble Sir ROBERT REID: We ought to be grateful to Dr. Naresh Chandra Sen Gupta for bringing back, as he did in the latter part of his speech, this discussion to reality. There is only one point arising out of this motion and that is the recommendation to Government that they should remit the *chaukidari* tax in the distressed areas. I do not think there is any one in this House, not excluding the Government benches, who is not moved by feelings of real sympathy towards the inhabitants of those areas who, we know, are suffering from great hardship owing to failure of crops. The mover of the motion asks that Government should meet the cost of village police in the distressed areas out of the provincial revenues. There are precedents for this. It has been done before on previous occasions, and if I may be allowed to make a personal reminiscence, I once recommended a similar remission in the district of Midnapore and that was agreed to promptly by Government. All I have to say is that I am quite sure that Government will consider any recommendation which may be made to them on these lines for the remission of the *chaukidari* tax in areas where it is found that the inhabitants are unable to pay. I cannot, of course, say that there will be a wholesale remission of the *chaukidari* tax and the charge transferred to provincial revenues, but every case will be considered on its merits, and I have no doubt that every case will be considered in a sympathetic way. Perhaps after this the mover will withdraw his motion.

The motion was then, by leave of the Council, withdrawn.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to move that the demand of Rs. 1,92,000 under the head "26C—Police—District Executive Force—(*a*) District Police—Pay of Officers" be reduced by Rs. 100.

Sir, the object of my motion is to draw attention of the House to the excessive expenditure on the head "Police" and particularly on "District Executive Force." Sir, I submit that the expenditure on police in Bengal is too high. We had occasion to deal with the question of the Presidency Police, and the history about the Bengal Police, particularly the District Police, is the same, that is to say that expenditure is mounting up from year to year to an extent which really threatens to paralyse all the nation-building activities of the Government. To support my argument by recent figures, I would like the

hon'ble members to go back to the Budget of 1923-24. From that year up to this time the Budget figures will support me when I say that the figures are mounting up like anything. In 1923-24 we had budgeted Rs. 1,19,36,000 and each year there was an addition of a lakh or two until to-day in the year 1936 we stand at Rs. 1,47,50,000. In other words, within the last 12 years, since the last Reforms were introduced, we had an increase on this head of about Rs. 27½ lakhs. This increase should be taken along with the increase on the head "Criminal Investigation Department." There we started in 1923-24 with an amount of Rs. 7,29,000 which swelled up to Rs. 17,84,000 within a period of 12 years. Yet the fact remains that so far as protection of the lives and properties of the citizens are concerned, there is nothing to show answering to the great increase in the expenditure. The crime figures will illustrate the futility of the heavy outlay on this head. No greater prevention of ordinary crimes like burglaries, thefts, dacoities and murders, has been effected. Nor have the figures about detection a more satisfactory result to show within this period. Scientific detection of crimes postulates many things which are unhappily lacking in our police force. They are also preoccupied with the detection of crimes of a political or semi-political nature and they do not feel much responsibility in the matter of checking ordinary crimes. The increase of crimes against women of which we hear so much and which has been admitted by the Government now and again will illustrate the inactivity or apathy of the police in the matter of checking crimes on which the whole country feels and feels very strongly. Sir, probably our police force nowadays are occupied too much with reporting about suspicious characters and all that rather than with really preventing crimes or bringing criminals to justice. Whatever may be the reason, the fact remains that our police expenditure is increasing—crimes are also increasing—the expenditure on the moral and material uplift of the people which is calculated to diminish crimes is either falling or remains steady. The result is inevitable with an inelastic Budget like ours. To take an important item in the Budget, I mean the head of Education—a comparison will illustrate how the other departments have suffered on account of this increase on one side. The hon'ble members of the House will be surprised to find how deplorable is our position. In all countries the expenditure on education is and ought to be the highest. If we compare the other major provinces of India with our own case, we shall find the point better illustrated. In Bombay with a revenue of Rs. 18,73,00,000, Police absorbs something like Rs. 1,79,00,000 and Education Rs. 1,80,00,000. In other words, Education there gets nearly Rs. 1 lakh more than the Police, and there, Sir, the expenditure on the head "Police" is one-eleventh of the entire revenue of the province. Coming to Madras, there the total revenue is Rs. 22,47,00,000 and Police absorbs Rs. 1,64,00,000 only, whereas Education absorbs

Rs. 2,54,00,000, that is, on Education they spend more than one and half times of what they spend on Police.

There again they manage to police the Presidency with only 1/15th of the entire revenue.

Now turn to Bengal. Out of a total revenue of about 11½ crores, we are asked to sanction Rs. 2,29,62,000 for Police and for Education only Rs. 1,30,57,000 or a little above it; in other words, about half of what is spent on Police. The order here in Bengal is reversed; and as much as a-fifth of our total revenue is absorbed by Police.

You all know that the bulk of the expenditure under the head "Police" is spent in rural Bengal in the District Executive Force.

It is a disgrace, I should say, for Bengal—a disgrace which must be shared largely by the Government—that we spend in educating people only about half of what we spend either in tracking down criminals or sending people to jail.

This ratio between these two items of expenditure cannot be explained away by reference to emergencies—they reveal rather either a settled policy or a policy pursued without much thought as to its implications. Starve the people intellectually and morally, but widen the gates of the prison and increase accommodation therein, is not a happy motto to follow in the year 1936 when we are marching forward to the great goal which has been set before us, a goal of liberation in every field, a goal of improvement and emancipation in all fields! It has been said, Sir, that to open one school is to close down one prison, and I believe everyone will ask: "Are we really following this safe and sound policy?" If not, we have a right to ask: "Why not?" Nor is there any hope of there being an orientation of view on the part of this Government in the near future. The Hon'ble Member has promised a reduction of a magnificent sum of something like Rs. 28,000 and Rs. 5,000 in the cost of the Presidency Police, but no reduction is promised with regard to expenditure outside the Presidency towns. On the contrary, he has asked the House not to cherish any delusion regarding any possible reduction of expenditure under the Bengal Police. Only we are to expect better return for the outlay! "Better return" is a phrase, Sir, which we have yet to understand and which I confess we have not yet been able to understand.

Sir, why cannot the Government even assure us that they will have before them a definite aim to assign more and more revenues for expenditure on Education, Medicine and Public Health and less and less on these particular items on Police, just to show that Government is progressive, that the ideas of the people as well as of the Government are progressive, and that the Government are seriously bent upon bringing about the moral and material regeneration of the people? Why can't the Government assure us of maximum efficiency with

minimum expenditure under the head "Police"? Instead of proceeding with the effective method of reducing crimes and criminals, by the educational, moral and material uplift of the people, we are proceeding in a vicious circle.

Then, again, Sir, such has become the mentality of the authorities that we are not unoften misunderstood when we question the expenditure on the police and plead for reduction of expenditure on police, as if the police are the only lights in the country and they should be allowed to shine, otherwise the country will be full of criminals.

We want you to remember that unless you reduce expenditure on this head, considering the inelastic revenue of Government, it will not be possible to effect any improvement in any direction and unless improvements are effected in the directions where they are mostly called for, the result will be that public discontent will never be appeased and the charges which are being made against the Government now will continue to be levelled against them. I may say that two decades ago one Superintendent of Police at the district headquarters and one Inspector of Police in the subdivision were sufficient to conduct the criminal administration of the country and maintain peace and order, but now we find that in some districts there are as many as three Superintendents of Police and also Deputy Superintendents in every subdivision, not to speak of any numbers of Inspectors of Police. So much cost is incurred on what is called overhead charges, and this without bringing any compensating good or any palpable results as regards the suppression of crimes and better detection. Now, Sir, with more and more facilities afforded by train services and improved motorable roads and with a much larger staff——

(At this stage the total time allotted to the head "26—Police" having been reached, the member had to resume his seat.)

The motion of Babu Satish Chandra Ray Chowdhury was then put and lost.

The main demand that a sum of Rs. 2,12,01,000 be granted for expenditure under the head "26—Police" was then put and agreed to.

27—Ports and Pilotage.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 3,60,000 be granted for expenditure under the head "27—Ports and Pilotage.".

Motions for reduction.

Rai Bahadur JOGESH CHANDRA SEN: I beg to move that the demand of Rs. 3,60,000 under the head "27—Ports and Pilotage" be

reduced by Rs. 100 (during Ganga Sagore *mela* the Chairman of the District Board of the 24-Parganas and his superior staff may be allowed to use a steam launch).

Sir, I approach the Hon'ble Member with a very modest request. The Ganga Sagore *mela*, which is referred to by me, here, is an all-India *mela* and hundreds of thousands of people attend it every year, coming from all parts of India. The place is situated just at the junction of the Ganges with the Bay of Bengal and just by the side of a big forest and far away from human habitation. Being situated in the district of the 24-Parganas, the entire managememnt of this *mela* has been entrusted to the District Board of the 24-Parganas, and I may say that the district board is doing all that is required and is doing all that is necessary, from ship to anchor. That being so, as the district board is running the *mela* on behalf of the Government of Bengal, I think that the Government should render some help and assistance by issuing an order to accommodate the Chairman and the superior staff of the district board in a launch in *mela* times. This is the only request I have to make to the Hon'ble Member.

The Hon'ble Sir JOHN WOODHEAD: Sir, I am surprised that the Rai Bahadur has moved this cut motion. First of all, he makes an absolutely incorrect statement. He says that the entire management of the *mela* is carried on by the District Board of the 24-Parganas. That Sir, is not a fact, and the Rai Bahadur knows it as well as I do. For example, the Public Health Department render considerable assistance. The Assistant Director of Public Health and the Engineering Staff of the Public Health Department visit the *mela* and assist the district board. Secondly, although, we have in the past made every endeavour to supply a launch to transport the Chairman of the District Board and his staff to the *mela*, the Rai Bahadur has ignored that fact in his speech and has failed to acknowledge what we have endeavoured to do in the past. This year, unfortunately, we were not able to supply a launch. We have only three launches in the pool at Calcutta. One was away with a high official of Government at Khulna, and only two were left. The Subdivisional Officer went in one of these two launches to the *mela*, and the Collector of the 24-Parganas suggested that the Chairman and his staff should travel on that launch with the Subdivisional Officer. Unfortunately, the Chairman did not find it possible to travel in the same launch as the Subdivisional Officer and had to proceed by other means. Sir, the insinuation made by the Rai Bahadur that we have made no endeavour to help in the transport of himself and his officers is not correct. But in spite of his motion, we will in the future, as we have in the past, continue to endeavour to supply the Chairman of the District Board and his staff with a launch in which to travel to the *mela*. I oppose the motion, Sir.

Rai Bahadur JOGESH CHANDRA SEN: Sir, in view of the assurance of the Hon'ble Member——

The Hon'ble Sir JOHN WOODHEAD: I gave no assurance, Sir. I simply said that we would continue our practice to endeavour to supply a launch for the transport of the District Board Chairman and his staff.

Mr. PRESIDENT: Besides, Rai Bahadur, you cannot make a conditional withdrawal.

Rai Bahadur JOGESH CHANDRA SEN: In any case, Sir, I beg leave of the House to withdraw my motion.

The motion was then, by leave of the House, withdrawn.

Haji BADI AHMED CHOWDHURY: Spoke in Bengali, the following being an English translation of his speech:—

Sir, I beg to move that the demand of Rs. 3,60,000 under the head "27—Ports and Pilotage" be reduced by Rs. 100 (for not allowing Subdivisional Officers, specially Cox's Bazar, Chittagong Sadar B. Division, and other sea side areas, to use steam launches while going out on duty like other officers).

The Hon'ble the Finance Member has moved his demand for the grant of Rs. 3,60,000 for expenditure under the head "Ports and Pilotage", I beg to bring this motion in order that all the launches kept in different towns might be employed to good advantage.

In the districts and subdivisions which are situated near the sea and where rivers form the principal means of communications, motor and steam launches are not allowed for use to the Subdivisional Officers and the Chairmen of the district boards. Collectors, Additional Collectors, Superintendents of Police, Additional Superintendents of Police, Forest Officers and Deputy Superintendents of Police only use those launches. A Subdivisional Officer, even if he belongs to the Indian Civil Service, is not allowed the privilege of using them. Yet it is the Subdivisional Officers through whom Government get a large portion of work done. In Bengal the cost of maintaining these launches is met from the revenue and other incomes. As the representative of a district the Chairman of the district board is not allowed the use of these launches, but Dâk Bungalows, constructed at the cost of district boards, are used by all classes of Officers of Government.

I, therefore, move that Subdivisional Officers and the Chairman of the district boards be included among those who are entitled to the use of the motor and steam launches.

The Hon'ble Sir JOHN WOODHEAD: Sir, I do not understand the Haji Sahib's reference to the District Board Chairman, because his

motion, as it is worded, refers to "Subdivisional Officers" only. Therefore, Sir, I propose to ignore his reference to the District Board Chairman. Sir, launches are limited in number and they are expensive things to build and run. If we were to give every officer of Government the right to requisition a launch, we should have to increase our fleet considerably, and I have no doubt that many members of this Council would immediately object to the large increase in expenditure involved. [MR. NARENDRA KUMAR BASU: Unless you give a launch to each one of us. (Laughter.)] So, we accordingly restrict the list of officers who have the right to requisition a launch, and the Subdivisional Officer of Cox's Bazar, and also the Subdivisional Officer of Chittagong Sadar B Division—I suppose that is the southern part of the subdivision, the area from which the Haji Sahib comes—have not been entered in that list.

Sir, so far as my experience goes—I was Collector of Chittagong almost before the Haji Sahib can remember—a launch is not absolutely essential for touring in Cox's Bazar and the southern part of the Sadar subdivision of Chittagong. In fact, I travelled over the greater part of that area without using a launch. Indeed, Sir, if small launches are used in certain parts, we run the risk of losing the launch and the Subdivisional Officers at the same time! (Laughter.)

For instance, if the Subdivisional Officer of Cox's Bazar attempts to go to the Naaf river except in very calm weather, he will never come back again. But we can and we do allow officers not on the list to use launches, for the rules permit of a launch being supplied to an officer who is not on the list, if Government consider it necessary that he should in the interest of his work travel by launch. Our rules therefore permit of a launch being used by the Subdivisional Officers in Chittagong, if it is abosolutely essential in the interest of their work. I oppose the motion.

The motion was, by leave of the House, withdrawn.

The original demand was put and agreed to.

30—Scientific Departments.

The Hon'ble Sir JOHN WOODHEAD: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 26,000 be granted for expenditure under the head "30—Scientific Departments."

Motion for reduction.

Rai Bahadur SATYA KINKAR SAHANA: Sir, I beg to move that the demand of Rs. 25,800 under the head "30—Scientific Departments—A—Donations to the Scientific Societies" be reduced by Rs. 100, Sir, I

move this motion only to bring to the notice of Government one aspect of Indian humanity which deserves more attention than it has hitherto received. We all know that all the different communities existing in India—the Hindus, the Muhammadans, the Jains, the Parsees—have a past history to look back upon and have got a culture of their own and in that culture everyone has got one marked discriminating feature. Sir, intelligent foreigners are impressed with the spirituality of Indian society. This spirituality serves as an anchor to prevent the ship of Indian society from rushing into dangerous water. Because people in the rural areas stick like limpets to spirituality, the new movements, Communism, Bolshevism, Socialism and other "isms" cannot take root in our soil. If that spirituality evaporates from this country, I think India or Indian humanity will be converted into at least a miniature European society and great discontent will prevail. And it there be discontent amongst the 350 millions of people, I think that will be a sight for the gods to see, but we cannot but shudder even to think of the terrible sight. Therefore, it is essential that Government should do all to keep us in touch with our ancient past and should not create a rupture between our past and the present.

Sir, our ancient books are so rare that I searched for a good edition of the Mahabharata for ten years in every part of Bengal and even in Bombay, but I could not find out any. The other day I tried to find one entire Bible, but failed. Only the New Testament and a few books of the Old Testament appertaining to the New Testament are published in Calcutta. Twelve months ago I went from door to door to every bookshop in College Square for a copy of the Bengalee translation of Fardousi's Shahanama, but I could not get it anywhere. A shop calling itself the Muhammadan Publishing Society assured me that the book will be published in another twelve months or twelve years. This deplorable condition of our ancient books shows that Government is bent upon creating a rupture with our past. Not only Government do not do anything themselves, but they do not help those people who try to publish or print such rare books. One Mahamahopadhyaya Haridas Siddhantavagis is publishing an excellent edition of the Mahabharata. It is an unique edition which was praised by Dr. Rabindranath Tagore and other erudite scholars, but he has not been able to push on with its publication for want of funds. He applied to Government for funds and tried to move through the *sadar* door and the *khirkee* door into the Government *daptarkhana*, but he has not got a single farthing. Only 7 sets of his books have been purchased by Government 3 or 4 years ago, and he gets Rs. 7 per mensem which comes to Rs. 84 a year. It is a grand sum to spend to help such erudite scholars——

(At this stage the time-limit for "30—Scientific Departments" expired, and the member had to resume his seat.)

The motion of Rai Bahadur Satya Kinkar Sahana was put and lost.

The original demand was then put and agreed to.

31—Education (Reserved).

The Hon'ble Sir JOHN WOODHEAD: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 10,65,000 be granted for expenditure under the head "31—Education—(Reserved)."

Motion for reduction.

Mr. W. C. WORDSWORTH: I beg to move that the demand of Rs. 10,65,000 under the head "31—Education (Reserved)" be reduced by Rs. 100 (grant for European schools in relation to the 10 per cent. cut and the average promised for the future).

An impression prevails, not unjustified by facts and figures, that European Education is at least one-tenth as important as its big brother, Indian Education. But the figures show that we get each year much less than one-tenth of the time given to Transferred Education, and this for Reserved Education which is a wider thing than European Education. In the few minutes at my disposal, I cannot set out any argument, much less elaborate them, and I must content myself with observing that the schools have been badly hit by the 10 per cent. cut that has been imposed upon all public expenditure, and that they are gratified by the constitutional assurance given that under the new conditions, as soon as finances permit, they will receive at least a minimum grant that will be a little in excess of what they have been accustomed to get—the 10 per cent. cut has hit all classes of schools, and more so the poorer schools which are largely charity schools. It has meant that there are practically no grants for the maintenance of buildings, for the construction of new buildings, the purchase of furniture and other things that these poorer schools look to their Government grants for. It is easy to say that schools should cut their coats according to their cloth. All schools have done it. All schools, European and Indian, have felt the pinch. But with the Churches' traditions about education (they are responsible for most of the European schools) and with European traditions about education, it was quite impossible to meet the situation, by the easy method of dismissing the poor children who cost money and bring nothing in. Neither Europeans nor Indians who have a decent conception of education would suggest such a solution of the difficult problem.

I have said that most of the European education is provided by the Churches. I believe they provide about 40 of the 60 odd schools in the province. Next come the Railways. They provide a fair

number. In saying this, I have no intention to try to persuade the House that the Railway administration are religious bodies in disguise, or even semi-religious bodies. But it is of interest to know that they come next to the Churches in this important work.

I have nothing further to say except this, that the European schools will be very grateful if the improvement that has been promised them can be made as soon as possible; and for the rest I should say that with improved relations between the European schools and the Indian community, with improved relations between European schools and the University, with the constitutional promise that better times are coming, with a sympathetic Sir John Woodhead in charge of the portfolio, and with Mr. Wolfenden as their competent and devoted Inspector of Schools, the European schools after many years of difficulty, face the present and future with some confidence and considerable determination. They have not been so overwhelmed by their difficulties as to loss hope, and they have noted year after year sympathy in this Council for their distress.

Mr. CHARLES GRIFFITHS: Mr. President, Sir, I rise to support what has already been pointed out by our hon'ble friend Mr. Wordsworth, who has emphasised the urgent need for the restoration of the 10 per cent. cut for the reason that it has affected all schools, but particularly the poorest, in which category I have little doubt it will be found that Anglo-Indian schools make up the majority. Besides there are the Darjeeling and Chittagong Hill Tracts and the Industrial and Reformatory Schools, to be provided for.

The position of my community, so far as it is affected by the further imposition of this burden, has indeed become most acute, squeezed out as we have been from the services with poverty and distress facing us from all quarters; the existing higher fees which are but a corollary to the cut, have particularly placed education beyond the reach of most of us, and if the present policy continues it would not be a matter of surprise if my people were eventually forced into a depressed class.

We hear so much of educational progress in this country that one cannot help quoting what appeared recently in the *Statesman*:—

"Communities which scarcely ever recorded pupils above the primary stage now have considerable representation at the University stage. Untouchability has been definitely eradicated in several provinces in so far as the schools are concerned and the progress of education among the depressed class has been considerable. Women's education has spread with remarkable rapidity and the educationally-backward communities among women, such as Moslem women, have shown immense improvement."

But what has happened to the Anglo-Indian in this progress? He has been displaced and sacrificed for other Indian communities.

While the masses have been raised up, the Anglo-Indian has been brought down. Does not the position held by the Anglo-Indian community reflect upon the justice and duty of the paramount power and was it not Lord Canning who opined that if neglected the Anglo-Indian community would become a class dangerous to the State and a glaring reproach to the Government, whereas if cared for betimes it would be a source of usefulness to India in spite of the advice of Lord Valentia, in a report submitted as far back as 1806 who, fearing our increasing numbers, considered us a menace to be eradicated—might I add like the Lilac Devil whose fate we recently disposed of.

Statistics show that Europeans and Anglo-Indians pay 69 per cent. of the cost of their education, while Indians bear only 31 per cent., therefore, an uniform 10 per cent. cut made both in the Reserved section and in the Transferred section of Education under the Irwin Committee's recommendation cannot be fair.

Further, since Anglo-Indian and European School Education is claimed as a reserved subject by Government, various cuts under this cloak have been made from time to time, but there is not a single instance where a Governor has restored a cut through the instrument of certification. How will this affect the average promised for the future?

Our 67 schools have been built at the cost of several million pounds from collections made by Church and Missionary organisations, Railways and from endowments received from benefactors none of whom were Indians. Government is directly responsible only for three institutions, all at Kurseong.

To efficiently maintain our institutions in Bengal the annual cost is now over 37½ lakhs of rupees and the grant is just a little over 10½ lakhs, leaving us to find the balance, viz., 27 lakhs. Assuming that by enhanced school fees a little over 50 per cent. of this amount is realised, the remainder is got from our endowment funds.

But to-day we are to make provision for the admission of 25 per cent. of non-Europeans into our schools and only 15 per cent. are to be shown on the register for the purpose of maintenance grant calculated on attendance.

Surely to educate the 25 per cent. of non-Europeans, at present 2,667 pupils out of a total of 11,853 it is necessary to utilise a quarter of the Government grant and a quarter of our endowment funds, and if we were to debit the latter sum against the former it will be seen how little we do get from Government in the way of grants.

Our schools are popular with the Indians and are well patronised by them. The official report prepared by the Government of India on Education, 1933-34, states that during the last eight years the number of Indian scholars increased by nearly 5,000 and the increase

is maintained as the report for the year under review states that the increase was by 662, whereas there was a decrease by 108 Europeans and Anglo-Indians.

This undoubtedly points to the affluence of the Indians and of the poverty of the Anglo-Indians. The administration of the country is now in the joint-hands of the Europeans and educated Indians; most of the lucrative appointments are held by them and to them the higher school fees are no deterrent. Does it not appear that we will soon be squeezed out of our best schools? It is to be hoped that in Bengal where we find an attempt is being made all round to improve the position of the Muslims, the Anglo-Indians will not be overlooked.

Sir, the whole economic life and prosperity of a community depend upon its members being provided with a sound education. I therefore earnestly appeal that you will restore the 10 per cent. cut to our schools, and I further beg to suggest here that a teachers' training college for men like the one at Ghoragali should be opened in Bengal.

(Here the time allotted for the discussion of the subject was reached.)

Mr. W. C. WORDSWORTH: I beg leave to withdraw my motion.

The motion was then, by leave of the Council, withdrawn.

The motion that a sum of Rs. 10,65,000 be granted for expenditure under the head "31—Education (Reserved)" was then put and agreed to.

31—Education (Transferred).

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 1,10,47,000 be granted for expenditure under the head "31—Education (Transferred)."

University.—It will be remembered that at the time when the financial arrangements were arrived at between the University and Government, Government were in extreme financial difficulties. In spite of this, Government were anxious to assist the University to meet its commitments and to balance its Budget and after much examination and discussion a financial settlement was arrived at governing the grant to be made by Government to the University. At that time the University was faced with a deficit which would have crippled its activities, and the object of the grant was to enable the University to carry on those activities and to maintain a balanced Budget. The income of the fee fund was in the opinion of Government underestimated by the University, while the University insisted that their estimate was correct.

Because the University was unwilling to accept Government's estimate, it was mutually agreed to accept the University figure on the condition that if there was an increase in income of the fee fund, half such increase would be credited to the University and half to Government. As a corollary to this, Government further agreed that if the income from the fee fund should prove to be less than 11·72 lakhs in any year, Government would in normal times be prepared to consider on its merits an application for a contribution towards the deficit. It is thus perfectly clear that if the income went above the estimate, Government would reduce its grant by half of the excess. To-day the position is changed and while the University is in a much better financial position, Government is still faced with a deficit. Hence, it is not possible for Government to undertake a revision of the financial arrangements arrived at in 1932. The University now contends that increased fee income involves increased expenditure and, therefore, the amount of that expenditure should be taken into account. On the face of it, this extra expenditure must have been taken into consideration, or at least it must have been understood by implication that half of the increased income which is being given to the University over and above the budgetary position as it stood at the time would not only more than compensate the University for any additional expenditure, but would go to a certain extent to augment the resources of the University in its further development. Further, it cannot be said that it was not known to the University that the text-books then published by the University would be the only text-books published in the future, and as such it is difficult to hold that any additional book newly published is "a new measure" entitling the University to get credit for the entire additional income. At the same time Government, in spite of their present financial position, are anxious, as they have always been, to assist the University in every possible manner in its development, and while Government do not for a moment accept that the University are entitled, on the terms of the settlement, to any additional assistance on these items, Government are prepared to examine the question of these increased receipts and would be prepared not to stand on the strict terms of the financial arrangements of 1932. The matter will, therefore, be examined with a view to determining whether it would be reasonable to take into account these two items, thereby enabling the University to obtain a larger grant than would otherwise be the case. At the same time, there is the pending question of the establishment of a Board of Secondary Education. Both the University and the Government are agreed on principle that a Secondary Board should be established as early as possible. After finishing the above examination, Government also propose to take up the question of the Secondary Board and its financial implications, and if it is decided to proceed further with the question of the formation of a Secondary Board, Government will certainly take all steps to give the University of Calcutta

such subvention as may be required to carry on its present work without any financial embarrassment. While Government are not, therefore, in a position to revise the terms of the financial settlement, they will examine the contentions of the University as regards the interpretation of the present settlement and will also take up the question of the formation of the Secondary Board on the lines outlined above.

Service rules.—The question of revising the rules of the Bengal Senior Education Service and the Bengal Education Service has been under the special consideration of Government for some time past. The present Bengal Educational Service Rules are extremely unsatisfactory owing to their complexity and ambiguity. Considerable difficulty was felt under these rules in giving effect to the intentions of Government to secure a minimum percentage of Muslims in the Educational Services. Under the present rules the number of Muslims in these services has not within the last 10 years appreciably increased. Yet the Ministry of Education and the department have been subjected to the very few Muslim appointments that have actually been made. Indeed, it is now quite rare to have a Muslim appointed, however qualified he may be, without facing some unreasonable criticism in certain sections of the Press.

The statistics of Services, excluding posts necessarily communal in character, up to the 31st August, 1935, show that whereas in the higher collegiate appointments there were 101 posts with one Muslim on the 1st of September, 1926, in 1935 out of 94 posts only 5 were held by Muslims. That is, in other words, out of 21 vacancies 17 went to non-Muslims and only 4 to Muslims during this period of 10 years. In the inspecting posts in the Bengal Educational Service other than those of Divisional Inspectors, there were in 1926, 19 Muslims out of 41 officers. In 1935 there are still only 19 out of 39 officers. In the meantime, there were 18 vacancies, of which 13 went to non-Muslims and only 5 to Muslims. In the grades of Headmasters of schools and training schools there were 5 Muslims out of 46 officers in 1925 and there are only 13 Muslims out of 46 officers in 1935.

In the Subordinate Collegiate Services there were 4 Muslims out of 66 officers in 1926 and only 6 Muslims out of 81 officers in 1935. Out of 49 vacancies only 9 went to Muslims and 40 to non-Muslims. In the grades of Assistant Headmasters there were 9 Muslims out of 45 officers in 1926 and in 1935 there are only 13 Moslems out of 47 officers. These figures quite clearly explain the present position of Muslims in the Education Services.

Government have, therefore, taken steps to revise the present Service Rules with a view to remove the complexities and ambiguities and to secure a fair percentage of Muslims in the Bengal Senior Education

Service and the Bengal Educational Service. We have still to deal with the problem of the lower collegiate appointments (the Subordinate Education Service) where the position is still most unsatisfactory.

In promulgating these rules and in any steps they may take to ensure a minimum percentage of Muslims, Government wish to emphasise that they do not intend to appoint any Mussalman who is not fully qualified and competent in every way. As long as, however, qualified and even highly qualified Mussalmans are available, who do not get fair opportunities to enter careers in the Educational Services, Government must adhere to the principle of a minimum percentage of fully qualified Muslims to work up to.

Extension lectures.—With effect from next year, Government propose to introduce a system of college extension lectures with a view to improve the work of mufassal colleges in Bengal. Distinguished Professors of Government colleges in Calcutta or outside will be deputed for brief periods to other colleges—Government aided and unaided—and will deliver a course of lectures in every term and more specially in "slack" seasons. In addition, distinguished educationists, economists, journalists, scientists and others—Government officials and non-officials—will be invited to give public addresses in mufassal colleges and I am glad to say that Dr. W. S. Urquhart, Mr. W. C. Wordsworth, Lieutenant-Colonel R. N. Chopra, C.I.E., I.M.S., Dr. T. Ahmed, M.B. (CAL.), D.O.M.S. (LOND.), F.R.C.S. (EDIN.), Rai Bahadur K. N. Mitra, Dr. Zubair Siddique, Dr. Bainiprasad, Professor J. N. Mukharji and others have kindly consented to give such addresses in the coming year.

Side by side with this, Government wish to introduce a scheme of adult education in villages through the sub-inspectorate staff. It is proposed that while out on tour they will address villagers on topics of educational value. In addition, it is proposed to select a few districts and appoint a few special officers—without in any way increasing our present staff—with a view to organise and develop extra-curricular activities, general knowledge, village health and village social uplift, mass physical training, games and sports, excursions, with a view generally to widen the outlook and improve the educational atmosphere within and without the schools. It is also proposed to seek the assistants of the Co-operative Department with a view to organise co-operative societies for colleges and schools, for sale and purchase of their requirements, to be run as students' organisations.

Training schools.—Amalgamation of the two first grade training schools in Calcutta and Hooghly.

There are two first grade training schools in Western Bengal. They have a three-year course each as opposed to a two-year course followed in similar institutions in Eastern Bengal. It has been decided to bring the Western Bengal institutions—at Calcutta and at Hooghly—into line with the Eastern Bengal schools. Moreover, it was found

that the school at Calcutta was being run at an enormous cost; and that by amalgamating with the one at Hooghly, large savings could be effected. It is, therefore, proposed to combine these two institutions and to utilise the resultant savings for the purpose of financing a scheme for the training of all new primary school inspectorate the details of which are being examined by a Special Officer.

Trained teachers.—The question of taking steps to increase the supply of trained teachers for secondary schools in Bengal has been for some time past engaging the very careful attention of Government. There are at present only two Government training colleges in Bengal and recently one or two private colleges have started B. T. Classes and the University have also made arrangements for training teachers. This is admittedly still inadequate, but until financial conditions improve, it is not possible either to start other colleges or to subsidize private colleges for the inception of training classes. The best way in the circumstances to train the existing untrained graduate teachers is to create for them an atmosphere for study and professional practice in certain approved schools, with an adequate supply of books on the history, theory and art of teaching. Government, therefore, propose with the co-operation of the University in the course of the coming year to give effect to a scheme on these lines. For the present it will be on an experimental basis and confined to 50 non-Government selected schools—25 in the first year and 25 in the second year. Teachers in these schools will study books on education under the supervision of Headmasters or Assistant Headmasters and will practice the art of teaching in their own schools. The Principals of training colleges, if possible, with their staff and the Divisional Inspector of Schools will specially supervise the work of the teachers under training in these selected schools. The University has been addressed with a view to enable these specially trained teachers to appear at the ordinary B. T. Examination on such conditions, if any, as the University may decide in this connection.

Educationally-backward classes.—Members representing the scheduled castes have tabled certain motions regarding the educational interests of their people. The other day the member from Rangpur made a complaint about the provision of primary education for his community. I do not for a moment contend that the provision for primary education is satisfactory to-day. As a matter of fact, Government in their resolution of July last published a full review of the present condition of primary education. But the grievance is general and is applicable throughout the province and not specially to any particular caste and until either the Primary Education Act is brought into force or more money is available for primary education, nothing further can be done. I can assure the House that I am fully conscious of the needs of primary education. To encourage the spread of education among scheduled and

backward classes, apart from the general facilities open to all, there are special provisions for them. There are—

4 scholarships for graduates of Rs. 30 each;
6 scholarships of Rs. 15 each;
6 scholarships of Rs. 10 each;
40 scholarships of Rs. 4 each;
66 scholarships of Rs. 3 each;
36 scholarships of Rs. 2 each;

in addition to special scholarships and stipends in the Ahsanullah School of Engineering, School of Arts and the Government Commercial Institute. These scholarships are available for one, two and even four years. There are provisions for special free-studentships in schools and colleges, special grants for education of backward and depressed classes and even special hostel provision in some places. In the very town where my friend comes from there is a school hostel intended for his community, but unfortunately there is not a single student as a boarder there. This makes the problem of hostel accommodation extremely difficult. I have particularly looked into the question of educational facilities for these communities, and I am fully satisfied that unless the roll strength of the scheduled caste students in schools and colleges increases, nothing further can be done. Last year I made an enquiry district by district about the position of the different castes and communities in respect of primary education. In the district of Rangpur where my friend comes from 21·2 per cent. of boys of school-going age from the Rajbansi community are actually in primary schools. In the district of the 24-Parganas the percentage is 42·5 per cent. for certain backward classes and tribes; 38·1 per cent. of the boys of school-going age among Namasudras, Chamars, and Muchis in the district of Jessore; 55·3 per cent. of Namasudras in Faridpur; 78·3 per cent. of Namasudras in Bakarganj; 76·3 per cent. of Namasudras, Chashi Kaibartas and Mahisyas in Noakhali, 42·5 per cent. of Namasudras, Jalia Kaibartas, Chamars, Domes and Dhobis in Chittagong are actually in schools. The figures in most other districts are also fairly satisfactory. These goes to show that the present policy of encouraging education among depressed castes and backward classes has been satisfactory. Unfortunately, my friends are not doing anything with a view to inducing students to go up for higher education. Speaking of the advanced Hindu community, out of every 100 students joining the lowest primary class 24 per cent. go up to the end of the primary stage and 1·3 per cent. up to the degree stage. In the case of educationally-backward classes out of every 100 boys joining the lowest primary class barely 8 per cent. go up the end of the primary standard and at the end

of the degree stage the percentage dwindles down to ·08 per cent. I hope, therefore, that the attention of my friend will be focussed immediately on the problem of avoiding wastage amongst those who join the primary class. We must recognise that in the last few years Government, District Boards, Municipalities, Christian Missions, Hindu Missions, Harijan Utthan Society, the Society for the Improvement of Backward Classes, the Sussex Trust Fund, the Santhal School Board and many other organisations have been trying their level best to speed up the cause of education among these communities. Students belonging to the backward classes are allowed free studentships up to 15 per cent. of their enrolment in Government and aided schools. Now I trust that instead of merely asking for more facilities, they will devote themselves seriously to the improvement of the quality of education and the output of graduates and under-graduates in their midst. They are not very badly off in the matter of primary education. Figures for 1933-34 show that while 11 per cent of the total population of the advanced Hindu community is in schools, the backward communities contribute 7·2 per cent. of their total population, the figure for the Muslim community being 7·7 per cent. But they are deficient at the higher stages. I am, therefore, seriously calling their attention to this aspect so that they may try their best to make up the inequalities in the higher stages of education. At the same time, they must remember that special facilities can only be given up to a certain limit, and unless the community is prepared to help itself, no amount of Government aid can fill up the gap. Speaking for myself, I am prepared to look into all cases of genuine grievances and try for their redress. But my friends must touch the core of the problem and not merely look to the crust.

Rural development grant.—Members of the House are aware that a sum of Rs. 2 lakhs was allotted to the Education Department out of the Rural Development grant. I am glad to inform the House that this has enabled us to help in organising libraries with furniture and equipment in 108 villages, 86 play-grounds in villages, and play-grounds with sporting requisites in 151 high schools, middle English schools and madrasahs, and 53 agricultural farms have been attached to schools. In addition girls' schools have been assisted with grants to the extent of about Rs. 12,000, boy scouts, bratachari, girl guides with a sum of Rs. 20,000. There still remain a few schemes that will be financed from this fund, particularly in the district of Jessore from which no scheme has yet been received. This fund has for the first time enabled us to start a scheme of village libraries and to send to the villages Bengali books worth about Rs. 22,000, and will, I trust, incidentally further the growth of a Bengali literature suitable for village people. Unfortunately, books which are suitable to the needs of an agricultural population and to the economy of village life are not many in the Bengali language, and I invite the attention

of all who are interested in the future of Bengali literature to devote attention to this important field of literary progress.

Improvement of the standard and procedure of examinations in the Board of Intermediate and Secondary Education, Dacca.—The affairs of the Board of Intermediate and Secondary Education, Dacca, have been, for some time past, attracting the attention of the public; reports of leakage of question papers and various other allegations in regard to the method of examination of answer papers and allotment of marks have appeared in the newspapers from time to time. Accordingly, in the course of my tour, I paid a visit to the Board and made a thorough investigation of these allegations. It was found that though the allegations were for the most part without any foundation, there was nevertheless room for improvement in many directions. A sub-committee of experts was appointed by the Board to go into the existing procedure of examination of answer papers and allotment of marks with a view to suggesting measures for remedying defects, if any. The sub-committee have submitted their report and Government are awaiting the views of the Examination Committee and the Board.

Science scholarships and Mohsin Fund refund.—In spite of the present progress of Mussalmans in education in general, there is at present a very great need of more Mussalmans joining the Medical, Engineering, Science and other specialised courses. Unfortunately, the number of Muslims pursuing these lines of study is anything but satisfactory. Government have, therefore, under consideration the question as to what special steps can be taken to encourage Mussalmans to join these specialised branches, and they will probably be able in the course of the next year to take some definite steps in the matter. In the meantime, it is being proposed that out of the money available from the Mohsin Fund a scholarship should be created for foreign training in some scientific or specialised subject. Government in that connection have also under consideration the question as to what steps can be taken to get a contribution or refund from the Mohsin stipendiaries who are able and in a position to pay, with a view to create a special fund. Government propose to take up the question at an early date, and I trust that with the help and co-operation of the Muslim public another special fund may be created to encourage Muslim education in the province.

Girl's education.—Another important educational problem is the future of girls' education in the province. More money is needed to help the improvement of the existing girls' schools and to assist the inauguration of girls' schools where they are needed. The eventual aim of the department is to secure the establishment of a good high English school for girls at each district headquarters and of a good middle English school for girls in each subdivisional headquarters.

A Board of Women's Education will be appointed in the coming financial year to advise Government on its future policy regarding girls' education. The necessary money has been budgetted for the working of the Board. Government are seriously considering whether a Special Officer can be appointed to make a complete survey of the present condition and requirements of women's education with a view to co-ordinating the financial assistance which will be required in the province as a whole and securing the most efficient distribution of girls' schools.

Education resolution.—Members of the House are aware that last year Government published a resolution reviewing its educational policy and invited public opinion on various aspects of education in the province. Since then Government have made a survey of primary education in Bengal. It might interest the House to hear that though the numerical strength of primary schools is about 64,000, most of them are lower primary schools and there are not even 9,000 villages supplied with an upper primary school. It is only an upper primary school which can secure effective literacy for our boys and girls. Our survey further discloses that even the lower primary schools, in spite of their many deficiencies (they have only as a rule one teacher and a single class of a few students), exist in 27,000 villages only. In contrast to this, the tentative scheme suggested by the department will if accepted, mean that 16,000 villages will have upper primary schools in place of 9,000 villages and 32,000 villages will have lower primary schools instead of only 27,000 villages, with this further advantage that each school will be adequately staffed and properly run. The figures for each district were placed before the last Conference of Chairmen of District Boards and a resolution was unanimously passed by them requesting Government to send the figures to their respective districts so that they might reconsider the problem in their light.

Meanwhile, Government propose immediately to appoint a committee to draft a suitable curriculum for primary schools and maktabs and to recommend that in that curriculum suitable provision will be made for elementary religious teaching in such schools as demand it. Government will eagerly wait for its report and come to a decision after considering the recommendations received.

Wakfs.—Members of the House are aware that a Commissioner for Wakfs has just been appointed with a view to give effect to the Wakf Act, and I am glad to inform the House that all the provisions of the Wakfs Act have been brought into force from the 1st March, 1936. It is proposed to constitute the Wakf Board in the course of the next week and the Commissioner has already entered upon his duties. In spite of the fact that quite a large number of *wakfs* have not yet been enrolled, it has been possible to secure an enrolment of *wakf* properties having an aggregate annual income exceeding 51 lakhs. The necessary rules are under preparation.

Patuakhali scheme.—The present policy of Government in making grants-in-aid to non-Government schools is that when an application is received for aid, it is examined with reference to various departmental requirements.

The procedure under which a grant-in-aid can be sanctioned only after a school has been established on a firm and satisfactory footing, essentially disregards the claims of a locality where, due to poverty and backwardness, the people do not either find it possible to establish a school on a satisfactory footing, or if they do establish one, find it still more difficult to fulfil the conditions required by the grant-in-aid rules.

The result of this has been that while in well-to-do and educationally-advanced localities there has been a multiplication of well-established school, the poor and backward localities have suffered for want of a sufficient number of schools.

On the initiative of Mr. Ishaque, the Subdivisional Officer of Patuakhali (district Bakarganj) which is considered by the Director of Public Instruction to be "a refreshing exception to the prevailing conditions, and offers a splendid opportunity for real positive help from us in devising a school system which shall be free from the evils so evident elsewhere," the Director of Public Instruction proposed to introduce a scheme of secondary education in the subdivision of Patuakhali. Under this scheme, high English and middle English schools in the subdivision will be proportionately distributed throughout the subdivision in accordance with the needs of each locality, and Government grants will be so regulated in that area as to be of the utmost benefit where they are most needed.

The majority of the schools in the proposed system will be "under-strength" for some time and will, therefore, require fairly generous departmental aid (in some cases at least in contravention of the rules) until they are firmly established. It is proposed to allow them a period of 5 years within which to come up to the mark. At the end of this period a fresh survey is proposed to be made of the needs of the subdivision.

The scheme is now being considered and it is hoped that in the coming year it will be possible to take some effective steps.

With a view to demonstrating to teachers throughout the province as to how they should tackle, in the fittest manner, the problem of education, an Education Week and an Education Exhibition in that connection were held in Calcutta, under the patronage of His Excellency the Governor of Bengal, from the 31st January to the 8th February, 1936. One delegate from each school in Bengal—Government aided and un-aided—was invited to participate in the function on payment of a small delegation fee; the Committee met all their travelling

expenses, and the expenses for their food and board for 11 days, of all day travel by tramway and of excursions to all places of interest in Calcutta and its neighbourhood.

The scheme among others included (*a*) the invitation of prominent educationists and public men of the province and outside to deliver special lectures and addresses, and to preside at symposia on various subjects, (*b*) the holding of sports, physical displays and excursions, etc. This Exhibition, in the opinion of all qualified to speak, was an unqualified success and had great educational value.

There has been as an immediate effect, a keen desire in Bengal to organise exhibition on similar lines amongst the 1,800 delegates who attended the Week to do their best to improve the quality of education in their own schools. It is in contemplation to have similar exhibitions and Weeks, if possible, organised for primary school teachers in some districts next year.

In conclusion, may I briefly enumerate some of the educational problems which have been dealt with in the last eighteen months. The long-pending revision of the Matriculation Regulations has been settled. The Constitution of the Bengal Senior Education Service has been finished, and we are now in sight of the cessation of the numerous temporary and officiating posts in the Education Services. The Sakhawat Memorial Girls' School has been provincialised. The scheme of the appointment of physical instructors is in operation. A few scholarships for the commercial education of backward classes have been arranged. Special grants have been made to the Girl Guide, Bratachari and Boy Scout movements and to many other institutions and societies. The Education Week and Exhibition have been organised. A tentative policy of education has been framed and published with a view to crystallising public opinion. Surveys of secondary and primary schools and of education in educationally-backward areas have been taken up and finished. Agricultural farms have been financed in many schools. A scheme for the extension of facilities for training teachers will soon be in operation. Additional money has been provided for the Biss scheme of primary education. We have tried to utilise fully the education portion of the Rural Development grant. A new scheme of adult education, extension lectures for mufassal colleges by distinguished educationists will, I hope, shortly be in operation. The House will also notice that several new schemes have been financed in the Budget of this year. We desire to start the organisation of physical training in our schools and the encouragement of a spirit of rural uplift and the training necessary to secure it. I have worked on the faith that, although much cannot be done without finance, still a great deal can be done in spite of it. Even though I have not been so fortunate as to secure more funds, I have endeavoured to better the conditions of our education within our means, to arouse enthusiasm

in the department and among our teachers as well as to enlighten the general public as to the educational needs of to-day.

Motions for reduction.

Mr. S. M. BOSE: Sir, I beg to move that the demand of Rs. 3,76,376 under the head "31A—Education (Transferred)—Calcutta University (Recurring)" be reduced by Rs. 100 (neglect of women's primary and secondary education *vis-a-vis* University education.)

Sir, we have heard with great interest the fine speech just delivered by the Hon'ble Minister showing what he has been doing during this time for education, but I must say that I was much disappointed at the small extent of work done in the direction of women's education during this time. The object of my motion is to stress this most vital point. Sir, not even a month ago, while moving my resolution on women's primary education, I gave the facts in great detail. I do not propose to repeat them now, but at the same time, I want to point out the miserable progress made in women's primary and secondary education during this time. The reason why we are so backward is, I think, to a very large extent attributable to the fact that our women are illiterate. No real permanent progress in the scale of nations can be made unless we have education—at least literacy—amongst women. As we know, Sir, in Japan during the last 75 years they have acquired 99 per cent. literacy, whereas here from the year 1757 down to now, i.e., during the 178 years, our progress in education amongst men comes to only 15·5 per cent. of literacy, whereas the figure of literacy for women is only 2·7 per cent. That, I submit, Sir, is a very miserable progress, of which both the people and the Government should be ashamed. As I have said, Sir, I want to stress this fact that we cannot advance, we cannot make any progress, unless we have literacy amongst women. Then, again, Sir, I beg to call attention to the fact that far more attention and money have been devoted as regards primary and secondary education on the education of boys. I find from the figures for 1931-32 that the number of girls in primary schools was 426,259 as compared with 15,90,000 boys. Then as regards schools, there are only 105 secondary schools for girls as compared with 2,975 for boys. The total number of primary schools for boys is 43,718 as against 17,425 schools for girls.

Then, Sir, the expenditure on primary schools for boys during 1931-32 is stated to have been Rs. 66,95,818; for girls during the same period it was Rs. 14,27,000. Then, Sir, the total expenditure for secondary and primary education for girls was only Rs. 34 lakhs, whereas for boys it was over 1 crore and 90 thousand rupees. All these figures prove beyond doubt that girls' education has been

neglected. I need not examine the reasons, but the facts are there and stare us in the face. We cannot progress at all unless women have attained a certain amount of literacy. No health propaganda, no progress in sanitation, etc., can be made until women, who rule the family, know the advantages of education. It must be admitted that more, and a great many more, women should receive education. We find, from the figures that a very small percentage of girls of school-going age do attend schools, and even that only for a very short time, so that they immediately lapse into illiteracy, and all the energy and all the money are absolutely wasted, beause we cannot make them stick to the school for some time. So, our object should be to have a scheme to give the girls a four or five years' training, so that there may be permanent literacy. The system at present followed is absolutely futile—it is a sheer waste of time and waste of energy.

If it is admitted that there should be more schools for women, then it follows that there should be more women teachers; so we should have a scheme for training more and more women teachers and we should find out what materials are available in the matter of supply of women teachers. For all these reasons, I submit that there should be a well-thought-out, comprehensive scheme for women's education—primary and secondary.

We all know that some years ago a committee was appointed for the purpose of enquiry into Muhammadan education. Why should there not be appointed such a committee for women's education also? Such a committee, if appointed, would be of benefit to the Hindus and the Muslims equally, and I suggest for the consideration of the Hon'ble Minister that, instead of an advisory committee which does very little work, there should be a committee to go into, just as the Muhammadan Education Committee has done in the case of Moslem education, the question of women's education, draw up a comprehensive scheme, and suggest ways and means. I, therefore, would earnestly urge upon the Hon'ble Minister, whose sympathy in the cause of women's education is so well known to consider my suggestion.

(At this stage the Council was adjourned for fifteen minutes.)

(After Adjournment.)

Dr. NARESH CHANDRA SEN GUPTA: Sir, I find a little difficulty in speaking on this motion having regard to the way in which it is worded in the Order Paper. From the way in which the object of this motion is described, I take it that it was intended that the neglect of women's primary and secondary education *vis-a-vis*

University education was going to be talked of. Mr. S. M. Bose, however, did not do so. Nevertheless, I wish to make it clear that we cannot for one moment let it be understood that we think that Government have been treating women's University education any too generously. The expenditure on women's University education is not at all adequate to meet the demands of that type of education at the present day. No doubt, private agencies are doing a great deal in this direction. But so far as Government are concerned, apart from the grants-in-aid which are given to some colleges and the maintenance of the Bethune College, which, is practically all that they have done for the purpose of women's collegiate education—the Bethune College has been maintained all along on a footing of inferiority to all Government colleges for men—they have done very little in this direction. The staff is not adequate, the facilities for studying the different subjects are anything but adequate, and it is not surprising that hundreds of girls flock to other institutions for getting educated in branches of studies for which the Bethune College does not adequately provide.

The number of girls in the Scottish Church College, for instance, or in the Vidyasagar College where larger facilities are available is a comment upon the inadequacy of the Bethune College. Government is not marching along with the requirements of the time, and I hope that the Hon'ble Minister in the course of the elaborate researches which he has chalked out himself will also consider the question of provision of more adequate staff for the Bethune College which has been in the contemplation of Government, but has been kept back so long and not be frightened by the words within brackets in the motion, nor by the idea that there is a feeling in this House against the expansion of higher education of girls. There is no doubt that in the past secondary and primary education of women has been much neglected, and it is certainly up to Government and certainly up to everybody to see that an advance is made in this respect. Secondary education has been progressing very fast within the last few years. The urge for education owing to change in social ideas, change in economic environments and numerous other circumstances has been very great and a large number of girls have been going in for higher education in secondary schools and colleges. When the education movement for women was started, Government took up the work in a missionary spirit to force women's education upon an unwilling people; for years after that Government maintained its expenditure on women's education on that footing. But those days are past, and it is no longer the question of provision of facilities by Government and little advantage taken of those facilities by the people. Now it is a case of a demand for wider and better education and education over a wider range of subjects and Government having failed to come

up to the requirements. I think the time has come for greater expansion in the matter of secondary and primary education of girls. It is very encouraging to hear from the speech of the Hon'ble Minister that he proposes to take up the question of women's education, and I hope that it would be possible for him before his term of office expires to take such steps as will advance the education of women in the primary and secondary stages. The present arrangements are hopelessly inadequate.

Babu SATISH CHANDRA RAY CHOWDHURY: We are grateful to the Hon'ble Minister for the vision which he has held before us to-day, the vision of illiteracy being removed from our midst, and that not in the very distant future. He has shown that the new life which is stirring in the country in the field of education has also stirred the Government, and they are thinking of a comprehensive scheme to drive out illiteracy from the land. We only wish that the Hon'ble Minister will pursue the course till within a definite space of time we emerge from the present state of our illiteracy to one of cent. per cent. literacy.

Confining myself to the motion before us, regarding the primary and secondary education of girls, I think that calls for immediate attention. There is a hunger for education among our womenfolk, and there is its unmistakable sign of evidence in the large number of admissions in the schools and colleges. The reason why we find the colleges are being filled more and more with girls, is that in the background there is also a keen desire in the country among our women to bring themselves up to the level of the male population in point of education. If, therefore, that hunger for education is not satisfied, I say everybody will have to regret hereafter for. There is also a keen desire in this country that the mother's education should be paid special attention to, because after all it is the mother's education which matters most. In America and in some of the European countries, the teachers in the infant schools are mostly from the other sex, and that probably is responsible for the effective result produced there. We have also our historical background in this country. Ancient India took pride in her cultured and literary women, and there are still outstanding female figures in our history, and they were no less outstanding in many respects than their male brethren of historic fame. As a matter of fact, we find that comparatively speaking woman's education is in a very deplorable state so far as primary and secondary education are concerned. If we compare ourselves with Turkey, we find that in Turkey with a population of 1,36 lakhs there are as many as two lakhs of girls in schools, not to speak of other countries where education began long long ago. This comparative study between these two countries will show that

we cannot afford to shelve this matter any longer. I would go even so far as to say that, if necessary, you should better restrict the education of boys for some time and extend your operations by offering facilities for girls' education without any delay. Boys' education can take care of itself, because educated mothers will see to it anyhow to educate their children both males and females. In some districts, we find that there are high schools for girls at the headquarters stations, but in the mufassal areas, far from there being high schools, there is not even a middle English school in many of the subdivisional towns. Considering the attention which the Hon'ble Minister is bestowing on the subject, we hope that in the very near future this great drawback will cease to exist, and we hope to see in every village a girls' school side by side with a school for male children; we hope to see in every subdivisional headquarters one middle English school for the education of girls, and in every district headquarters a high school for them. If we are to drive out illiteracy from the land completely, we must attack from all points. There must be adult education; there must be education of the parents; and there must also be education of the ordinary workers and labourers. If that can be done, illiteracy can be successfully attacked and driven out of this land. So far as primary education is concerned, it is all the more necessary. It has become all the more necessary as we are face to face with a new constitution which requires every citizen to be vigilant about the exercise of their franchise and about the sort of representative they are to send to the future Council. There cannot be a democratic form of Government successfully worked with rank illiteracy in the masses as it obtains in our country to-day. Therefore, I would particularly desire Government and the Hon'ble Minister to follow plans which are being followed in other countries—a definite plan as regards the period within which illiteracy must be driven out. If there is such a plan, and if all the efforts of Government are directed towards that end, then lack of funds will never be pleaded for inactivity. If there is a will, the way will certainly be found out to achieve the desired object. With these words, Sir, I wholeheartedly support the motion of my hon'ble friend.

Mr. W. C. WORDSWORTH: Mr. President, Sir, it must have been pleasing to those interested in the welfare of education to have listened to the speeches of the Hon'ble Minister and others on this motion. I said a few days ago that there were obvious signs in Bengal of a desire for an advance in girls' education. My hon'ble friend opposite has put it more strongly. He has spoken of the present hunger. In the University, on the School Committee, we have evidence of this almost every week. The University has in the

past set itself against co-education. Boys must be educated in boys' schools and girls must be educated in girls' schools. This attitude was possible so long as the demand for girls' education seemed to be small, but in present circumstances the University is faced almost every week with the necessity of relaxing its condition, because there is this hunger for girls' education all over the province. And yet very few small towns can afford to maintain both a good boys' school and a good girls' school. And obviously we should not be helping the cause we have at heart if we compel a town or a locality by any hardness on our part to maintain very inadequate and unsatisfactory arrangements for girls' schools. What happens, therefore, is that the University can maintain its rule only by granting lavish exception from it almost every week, and now all over Bengal there are girls studying in boys' schools, but we still endeavour to maintain the separation, with very uncomfortable and, in my opinion, undesirable consequences. Girls have to come to school at an early hour, do their work for three hours or so, and disappear before the boys appear. Yet the teachers who teach them are the same teachers who later in the day teach the boys. This, I think, is undesirable for everyone. First of all, the teachers cannot be expected to do justice to their work if they have to attend early in the morning for three hours or more, and then to a full day's work with boys afterwards. And whether they are paid extra for it or not—and I fear many are not so paid—we cannot expect enthusiasm and the efficiency in teaching in these untoward circumstances. Then, again, why should we force girls to go to school at such an improper hour as 7 o'clock in the morning, when they cannot go properly prepared, properly fed? Further, the whole body of attendant circumstances must make these girls feel as if they were something like a scheduled caste in Madras, as they have to get out of the way before the superior beings appear. The University is aware of the necessity of facing the situation, and I believe there is an intention of considering and reconsidering its attitude towards this problem right from the beginning. I do not stand here as an advocate of co-education or as an opponent of it. There is plenty of it in the world. In my own land, it is the practice in village schools, not the practice for the most part in the towns that can afford to maintain separate schools, but that I suspect is very largely due to convenience of administration and not due to any social attitude. In Scotland, there is much more co-education than there is in England. I believe except for what we should call public schools it is the accepted practice in the country, and every Scotsman I know tells me at every possible opportunity that social health is a far better thing in Scotland than it is in my own country. There is, therefore, no reason why we should not consider what is a very serious problem—one that lies at the very root of our social welfare and social health. I understand

there is likely to be a committee soon to consider this matter. The University for its part is prepared to consider it, and I think if Government and the University and the public combine they might arrive not only at some satisfactory system of arrangement with regard to the furtherance of girls' education, but also at a responsible answer to those questions that touch upon our social health in the relation of the sexes. We have been told, and we all know, that ideas are changing rapidly in Bengal, as they are the world over, and what might have seemed desirable in the past may seem much less desirable to-day. It would be an impertinence on my part to pretend to any authority in these matters, I speak with great diffidence and hesitation about matters which are private to Indians, but we cannot go on much longer as we are. We have been told that there are over 1,000 secondary——

Mr. PRESIDENT: Mr. Wordsworth, we ordinarily rise at 7 and although it is five past 7, I can allow you three minutes more if you can finish your speech by that time, but no more.

Mr. W. C. WORDSWORTH: Sir, I shall want more time than that.

Mr. PRESIDENT: In that case, I must adjourn the Council now.

Adjournment.

The Council was then adjourned till 3 p.m. on Tuesday, the 24th March, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 24th March, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 89 nominated and elected members.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1936-37.

DEMANDS FOR GRANTS.

31—Education (Transferred).

Motions for reduction.

Mr. W. C. WORDSWORTH: Sir, I was saying last evening that the problem with which we are faced is more than a problem of educational technique and organization. It is a matter of social health. The Department of Education and the University having to rely on small resources to meet great demands must necessarily look at the problem in a partial way, but most of us who are freer and who have less responsibility can look at it very fully and, I hope, more satisfactorily. We must make a beginning by trying to get away from the difficulties that now entangle us, and a convenient beginning has been suggested in a committee to review the whole situation and make recommendations. That committee presumably would be constituted of men and women who know the problem from the educational point of view and who know the problem also from the social point of view. I think something further is necessary. We talk of secondary boards and other permanent institutions, and in my opinion the time has come when after we have put our house in order, we should have a permanent standing committee of women, some educationists and some non-educationists, who can be permanent advisors of the department, of the University, and of the schools. We cannot wait much longer. There is an excellent reason why we should begin on the work at once and that is, as we have been told by other speakers, that the girls of Bengal are determined that more shall be done for them than is being done now. Many of us in this Council have daughters. I also am a man under authority who is told to do this and he does it, to go there and he goes; we who are so

circumstanced that, when the girls have decided that a thing ought to be done, it is wise to surrender at once and so save time and trouble.

In his admirable speech the Hon'ble Minister for Education has told us that he is prepared to surrender As a Member of the School Committee of the University I know that the University is prepared to resile from its position as soon as a scheme is put before it, and probably the Vice-Chancellor will soon tell us that he himself is ready to go as far on behalf of the University as the Hon'ble Minister for Education is prepared to go on behalf of the Government. Therefore, if we, as members of the public, lend our weight to the project we can soon force them to surrender wholly and fully. Then we can constitute a policy that shall be a thoroughly definite, active and progressive policy, and not merely a policy which is precariously made up of a series of exceptions from standing rules that are no longer workable. If, as we are told again and again, education is the armour and health of a modern civilised State, I do not think we can find any convincing argument why girls should not be given a reasonable share of these.

Many here are not aware that Bengal has lost or looks like losing a great blessing. The Lord Bishop of Calcutta has recently worked out a scheme for the establishment of a girls' college, not a college for christian girls, but for all girls who wish to go there; he had his staff ready and a large part of that staff would consist of members who are distinguished University women belonging to a religious order from England whose splendid work on the other side of India is well known. I refer to the Wantage Sisterhood. There would be no difficulty about the staff; there would, I believe, be very few difficulties about finance, because these women who are prepared to come in and work for this college would make it their life's work in a missionary capacity. The Lord Bishop has the Governing Body ready, and all other things ready. But his scheme is based upon the expectation that Hastings House would be placed at his disposal by the Government of India. I understand that the Viceroy blessed the scheme, nearly all Government officials blessed the scheme, the Government of Bengal blessed the scheme, and the public, so far as they know of it, also blessed the scheme. But the Finance Department of the Government of India intervened with technicalities and found reason why Government of India property should not be handed over for merely provincial use. So, once more, the greater has been conquered by the smaller; humanity has been overwhelmed by mere formality. It may be that the Lord Bishop has not entirely given up all hope, but the women who were prepared to devote their life to the service of the womanhood of Bengal cannot be expected to keep that offer open for ever.

Mr. SYAMAPROSAD MOOKERJEE: As my name has been mentioned and also for other reasons, I would crave the indulgence of the House to say a few words on the motion which is now before us. The mover may well congratulate himself on having started a discussion affecting a matter which vitally concerns the welfare of the province. I am not aware of the source from which he got the inspiration for moving this motion, but I am inclined to believe that the inspiration perhaps comes from the case of his own brilliant daughter who is an accomplished graduate of our University, and has been awarded a special scholarship at Oxford. Only recently we received a communication from Oxford that so able and remarkable have been her efforts that she has been given special exemptions and she may soon expect to qualify herself for a research degree at that ancient seat of learning. She is an example of what a Bengali girl may achieve, if she receives the necessary facilities. Incidentally, I congratulate Mr. Bose on the performances of his daughter.

With regard to the question of girls education in this province, reference has already been made to the remarkable progress, the rapid progress, achieved during the last few years. I shall place a few figures before the House which will tell us what the problem really is to-day. I am taking the Matriculation Examination in the first instance. In 1932, the number of candidates for the Matriculation Examination was 670. In 1933, the number rose to 847; in 1934, the number went up to 1,122; last year it was 1,500, and this year at the examination which was finished only a few days ago, the number has gone up by a few more hundreds.

Sir, with regard to admission of girls to University Examinations, as perhaps many members of the House are aware, the University has all along followed a policy of encouragement. It is remarkable that the regulations which had been framed nearly 30 years ago in 1906 after the passing of Lord Curzon's Universities Act—it is remarkable how 30 years ago it was visualised that in order to give facilities in this direction it would be necessary for the University not to insist upon rigorous and rigid rules. What are the rules in regard to girls? It is open to a girl to appear at any examination as a private student without attending any school or college. Some conditions are of course imposed in respect of scientific subjects. It is remarkable, Sir, that last year out of 1,500 candidates there were as many as 900 who appeared as private students, not having read in any school. Perhaps some of the members of this House may have read in the newspapers of one case where a mother appeared along with her son and daughter, her inspiration coming from the report of the school that her children were not proceeding with their studies properly. The mother came along and said: "I shall take up the challenge," and the result, I believe, was that the mother passed in the first division, the daughter in the second division and the boy failed! So far

as this year's examination is concerned, which finished only last week, there was a report that at one centre a mother of six children appeared at the Matriculation Examination.

Now, if we turn to the Intermediate Examination, we find that the number appearing at the examination is not so high as at the Matriculation. It was 214 in 1932; 268 in 1933; 357 in 1934 and 499 last year; still it has gone up by a hundred per cent. in the course of four years. If we turn to the higher examinations, we find that the number of female candidates has practically remained the same. Still, at the B. A. Examination there were as many as 5 candidates who were placed in the first class, and got medals, prizes and scholarships. Why is the proportion of candidates going up for the higher examinations smaller in relation to the lower examinations? As Mr. Wordsworth has said, it is not only an educational problem, but it is also a social problem. The position is that the average age for the Matriculation Examination is 16 or 17 years and that for the Intermediate Examination 18 or 19 years which is about the age when Bengali girls are married. Guardians now feel that their girls should have some sort of education before they are married and settled down in life. Here comes the responsibility of the University and other education authorities. The question is—Are we giving to our girls an education which, we think, will properly fit them for the work which lies before them? There is no question that so far as boys' education is concerned, the system requires overhauling in many respects. Let us not perpetuate the mistake of training our girls on the same pattern as is applicable to boys. We want to make our women fit for the work which is their own. It may be said that there is no representative of the other sex here. But I believe what we are saying is not only desirable in the interest of the female class as a class, but also desirable in the interest of the province as a whole. In this matter the University has not remained silent. The new Matriculation Regulations sanctioned by Government contemplate many revolutionary changes in many matters. So far as the girls are concerned, they will be offered definite alternative courses which will be in accordance with their special aptitude and will be found useful by them. It is a difficult and delicate problem. This is partly a question of sentiment, and many women representatives came before us and said that there must be no deliberate distinction made preventing the girls from following the course of study open to boys. What we have done, and this has been accepted by the majority of women organisations as reasonable, is that although it will be open to girls to take up subjects which are open to boys, yet we shall offer them definite alternatives in some respects. The syllabuses have been framed in a way which will meet their special requirements. I may incidentally refer to the recent speech of our Hon'ble President at the

Town Hall on the subject of Music and say that we have anticipated you, Sir. Music has been included as one of the subjects for the Matriculation Examination in the case of girls. We have prepared two syllabuses —one for Indian music and the other for European music—which have been prepared with the help of Mr. Wordsworth. I do not intend to go into further details to-day, but what I have said will prove the University is fully alive to the needs of the situation. I would end by saying that there is no difference of opinion on this issue in any circle. It is a matter regarding which there is unanimity of opinion on all sides. Fortunately for the province there is at least one matter on which there is no general controversy though opinions may vary on details. The Education Department, the Government, the University and the public must combine and find out a new policy in respect of women's education for the purpose of giving effect to the wishes of the Hon'ble Minister, the wishes of the University and the wishes of other organisations which are interested in the welfare of female education in the province.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I congratulate Mr. S. M. Bose on the initiative taken by him on the question of women's education. As has been said by Mr. Syamaprosad Mookerjee, the question is of such importance that he deserves congratulation from every one of us for having afforded us an opportunity in this House of discussing this question from various angles of vision. At the very outset, I can assure my friend, and all others who have taken part in the debate, that, personally, I am prepared to go, in regard to this question, so far as to identify myself with the University and others who think seriously about education. Personally, for myself, I can say that I have acquired firsthand knowledge about this problem of female education, as a result of my frequently going out to several districts. Wherever I have gone I was met with people urging for female education. And as a result of that I was particularly anxious to provide, as far as it was possible to do in our present financial stress and strain, for the education of women in Bengal, and if my friends will look into the budget, they will find that I was not unsuccessful in my endeavours in that direction. For instance, it was brought to my notice that the necessity of a bus for the Barisal Sadar High School was a real one. When I went out to Barisal, I was pleased to visit the institution and was convinced that it deserved some support from Government. Accordingly, Sir, we have made some provision in the budget to enable the school to maintain a bus. Then, Sir, so far as the Victoria Institution is concerned, which is a women's institution, run entirely by women professors and teachers, we are promise-bound to give something to it in the shape of capital expenditure. As a matter of fact, we had put some money for this purpose in the budget which subsequently, however, had to be

retrenched. Later on, however, in spite of our deficit budget, we have been able to provide a sum of Rs. 20,000 to meet the needs of the Victoria Institution, and to place it on a sound footing. A new institution has been started at Chittagong—a school in Nandan Kanan Garden—for which money has also been provided. Money has been provided for another institution as well—I mean Anandomoyi School at Dacca. So far as Muhammadan girls' schools are concerned—and, incidentally, I may say that the Bethune College is not open to Muhammadan students, and we are faced with the problem as to whether we should have to go to a law court to come to a final solution—we think the best course, for the time being, is to have an institution where Muhammadan girls will get suitable education, and we have tried to meet the needs of female education as far as we possibly can, in spite of our financial difficulties. Further, there should be a standing committee of women. The Advisory Board for Women's Education is exactly an organization on that line which is meant to advise Government as to the line to be taken in future. There was a suggestion from Mr. Bose yesterday about having a committee which will go round Bengal and recommend steps to be taken in regard to female education. As we are just now going to have a Board for Women's Education, I ask whether it would be advisable to have another Board at this stage again. As soon as that Board is constituted—and I promise to go into that question as soon as the budget session is over—I will be prepared to put before the Board, on the recommendation of the Special Officer to be appointed, any suggestion made by the public, and if there is a genuine case, I shall consider the matter and put it before Government as a whole. Personally for myself, I feel that the best course for the time being is to leave the matter to the Advisory Board for Women's Education, and if in the course of a few years something more is needed, I promise I shall not be backward in doing what is needed for women's education. My friend, Mr. Bose, also suggested yesterday that there should be some provision for the training of women teachers, as at present there was no facility for this. Sir, I outlined in my speech when introducing the budget that we are going to provide training facilities in some of the mufassal aided and unaided colleges. As I have said, the scheme for the time being is to introduce this in 25 schools and in the second year in another 25 schools. My friend has rightly said that there should be some institution for the training of women teachers, and Government are doing what they possibly can with their limited funds. I have nothing further to suggest, Sir, and, personally, I am very anxious that something more should be done for female education. I can say that in our headquarters district of Nadia, we have a high school which has not yet been able to become a full-fledged efficient school and that there are some difficulties. I can assure the members that when I go back to Nadia

I shall immediately look into this question, and that this question shall remain before me in the coming year. And if a concrete scheme comes either from the public or from the University or from the Advisory Board, Government would do all that is possible in the matter. In the meantime I hope the mover will withdraw the motion in view of the assurance I have just given him.

Mr. S. M. BOSE: Sir, I beg to withdraw the motion.

The motion was then, by leave of the House, withdrawn.

Mr. SYAMAPROSAD MOOKERJEE: I beg to move that the demand of Rs. 3,87,306 under the head "31A.—Education—Grants to Universities—Calcutta University" be reduced by Rs. 100 (inadequacy of the existing grant and specially the conditions attached to the same).

The resolution which stands in my name relates principally to the conditions attached to the Government grant paid to the University. The question of the Government grant to the University has passed through many stages and during the last four years it has been our good fortune—When I say "our," I mean both the University and the Government—that the old controversies had given place to a new attitude of mutual helpfulness and understanding. The outstanding difficulty is with reference to the conditions attached to the Government grant of which mention has already been made by the Hon'ble Minister for Education in introducing his budget. We realise that strictly according to the present conditions Government is entitled, legally speaking, to reduce the grant paid to the University. We realise also that if the conditions attached by the Government to the University grant are modified, it will mean an increased liability on the part of Government which perhaps it is not in a position to meet in the immediate future. But, Sir, the point of view of the University has been this. When the grant of Rs. 3,60,000 was fixed by Government, it admittedly represented the first year's deficit—I am not going to quote detailed figures at this stage—even assuming that the figures accepted by Government were true. Further, many proposals for reform had to be kept in abeyance for want of funds. It has so happened that the income of the University has now increased, and we have impressed upon Government the necessity of modifying the conditions in such a manner as to enable the University to make full utilisation of this increased income and to give effect to the schemes of improvement, approved both by the Government and the University. That is the position so far as the general question is concerned.

With regard to the two specific conditions which have hit the University very hard and to which reference has been made by the

Hon'ble Minister, the present arrangement is that if the income of the University goes beyond the standard figure, then the Government grant for next year will be reduced by one-half of such excess income. In other words, if the income is increased by two lakhs, the Government grant will be reduced by one lakh. While deciding on this course of action, the expenditure side was not taken into account. If the income exceeds by two lakhs, obviously the expenditure will also increase. This is one aspect of the matter and the second is this. It was decided at the time of making the grant that if the University augmented its income by the introduction of new measures—new measures introduced after the grant was sanctioned by Government in 1932, those measures will not be taken into account in deciding the grant to be made by Government to the University.

I welcome the announcement made by the Hon'ble Minister for Education that Government have decided to further discuss these two aspects of the question with the University. I hope that as a result of this discussion it will be possible both for Government and the University to come to an agreed solution, a solution which will not only be of benefit to the University but to the province as a whole and which will in no way be unfair to the Government. I do not know what part the Hon'ble Finance Member played in arriving at this decision, but I dare say no such decision could have been arrived at without the tacit concurrence of the Hon'ble Sir John Woodhead. I sincerely hope there will be a satisfactory solution of this problem in the near future so that it will not be necessary for us to discuss the matter on the floor of this House.

Having explained the position of the University in this matter, I shall ask for your leave to withdraw my motion.

The motion was then, by leave of the House, withdrawn.

Maulvi ABUL QUASEM: Sir I beg to move that the demand of Rs. 3,87,306 under the head "31A.—Education (Transferred)—Grants to Universities—Calcutta University" be reduced by Rs. 100 (disregard of Muslim feelings and sentiments shown by the Calcutta University in the preparation of text-books).

The subject which I wish to place before the House is a difficult and delicate one. I have given anxious thought to it. In the few observations that I am going to submit to this House I am going to use as guarded a language as possible. The subject is one on which my community feels very strongly and this Council being the forum where expression to public feeling on an important matter can properly be given, I have chosen this forum to give expression to our feelings in regard to certain matters concerning the Calcutta University.

Last year I pleaded earnestly that the post of the Vice-Chancellor of the Calcutta University should be made a paid one and the pay should not be less than the pay of a High Court Judge as recommended by the Saddler Commission. I showed that the work of the University had grown to such dimensions that a competent and capable man who would devote his whole time and energy to the University was needed as Vice-Chancellor if justice had to be done to the multifarious and onerous duties appertaining to the high office. I urged that to obtain the whole-time services of such a man, an adequate salary was essential. That will show in what light I view the University of which I am an humble product. I cannot have any feeling but of love and affection for my alma mater. Sir, I am going to raise a matter on which there is absolutely no difference of opinion amongst the members of my community. I wish to tell the House most sincerely that I do not wish to hurt the University as I do realise that hurting the University is hurting ourselves. My only object is to draw pointed attention to certain aspects of University administration on which Moslem feeling runs very high and in my opinion justly.

The Calcutta University stands to minister to the needs of the people of Bengal as a whole and in Bengal the Moslems are in a majority, so whatever the University does the University has always got to take into account the interests and sentiments of the Moslem community. If it does not do that, the University will be guilty of a dereliction of duty. My present purpose, as I have stated in my motion, is to draw the attention of the House to the disregard of Moslem feelings and sentiments showed by the Calcutta University in the preparation of text-books. Particularly I have in view the text-books prescribed for the Matriculation Examination. I will draw attention to the Matriculation Bengali selections prepared and prescribed by the Calcutta University. There are pieces, both prose and poetry, in this selection which the Moslems can legitimately object to on the ground that the fundamentals of their faith are hurt. I will illustrate my point by a few instances taken from the text-books. It is well known and it ought to be well known to every person that Islam stands for pure monotheism. I do not mean the least disrespect to my Hindu friends when I say that the Moslem faith differs from the Hindu faith. Having the greatest regard for my own faith, I have also every regard for the faith of the Hindus; only I plead that the Hindus will be liberal and catholic enough not to impose their faith upon us. What I mean is this: Muslim students going in for the Matriculation Examination are of a tender and impressionable age, of an age when they cannot properly distinguish their own culture from the culture of others, the fundamentals of their faith from those of other faiths and

by the time they come out of their schools after being compelled to study and imbibe thoughts and ideas which are fundamentally opposed to their faith and sometimes galling to their self-respect, they become to a large extent de-Muslimised. I refer to a piece of the Bengali selection for Matriculation Examination which is entitled "Shiber Bhiksha Jatra" (শিবের ভিক্ষা যাত্রা) by Bharat Chandra Roy. I will not read out many passages, but suffice it to say here that the sentiments expressed by Bharat Chandra Roy are extremely antagonistic to the faith of a Moslem. I do not know what was the object of selecting this particular piece. Take for instance:—

বম্ বম্ ঘন ঘন বাজে গাল।
ভম্ ভম্ ভম্ শিঙ্গা বাজে ভাল॥
ডিমি ডিমি ডিমি ডিমি ডমরু বাজিছে।
তাধিয়া তাধিয়া ধিয়া পিশাচ নাচিছে॥
কেহ দেয় ভাঙ্গ পোস্ত আফিঙ্গ গরল॥

I would refrain from offering comments except to say that "ত্রিলোক নাথ" riding on a bull and being offered "ভাঙ্গ পোস্ত আফিম" is certainly not an edifying sight, at any rate to a Muslim boy, and a Muslim boy should not be compelled to study it on the plea that it is literature. Next I quote another piece. This is Sir Rabindra Nath Tagore's "Bichara." I will just draw attention to one stanza:—

".....কহে রঘুনাথ—
অসময়ে পথ রুধিলে হঠাৎ,
চলেছি করিতে যবন নিপাত
যোগাতে যমের খাদ্য।

Sir Rabindra Nath Tagore is a poet whom I hold in the deepest reverence. He has written poems which are imperishable and which appeal to the whole world. This poem is not a true representation of Dr. Tagor's great poems. Why is this selected? Has he not written innumerable poems which have an universal appeal and which have brought him worldwide recognition? Why is this piece which definitely shocks Moslem sentiments and outrages Moslem feelings selected? Such selection ill-becomes a University which has to provide intellectual food to the Moslems as well as the Hindus. Next I turn to another poem by Dr. Rabindra Nath Tagore, namely, Pujarini:—

"বেদ ব্রাহ্মণ রাজা ছাড়া আর
কিছু নাই ভবে পূজা করিবার,—
এই ক'টী কথা জেনো মনে সার—
ভুলিলে বিপদ হবে।"

These sentiments ought not to be taught to the Moslem boys. (Laughter.) Sir, the other day certain members indulged in a little

laughter when a member was making a certain speech, and I think it was Mr. Narendra Kumar Basu who rose up in righteous indignation and sternly rebuked the hon'ble members who indulged in it. I find Mr. Narendra Kumar Basu indulging in derisive laughter when I am seeking to give expression to a matter of the deepest concern to my community. I need only say he does not know what our faith is; he does not know where the shoe pinches us.

Mr. NARENDRA KUMAR BASU: [The member was heard to say something which was not audible in the Reporters' gallery.]

Maulvi ABUL QUASEM: That is your opinion; let me have my own opinion. I am the best person to say where my shoe pinches me. Here is another poem entitled "মা" by Devendra Nath Sen—

"জয় বিশ্বেশ্বর বলি, ভৈরবে বেড়িয়া
করিলাম কত নৃত্য; প্রফুল্ল আশ্রমে,
রাধাশ্যামে নিরখিয়া হইয়া উতলা,
গীতগোবিন্দের শ্লোক গাহিয়া গাহিয়া
ভ্রমিলাম কুঞ্জে কুঞ্জে; পাণ্ডারা আসিয়া
গলে পরাইয়া দিল বরগুঞ্জমালা।"

Take also this stanza from সিংহগড় (a tirade against Mughals by Jatindra Mohan Bagchi—

হাঁকি' পুনরায় কহে জীজাবাই—"ছি! ছি! তোরা কাপুরুষ!
বীরের কর্ম্ম আপন ধর্ম্মে করে সে নিষ্কলুষ।
বেদ ব্রাহ্মণ নিষ্ঠা আচার
ধর্ম্ম যজ্ঞ বিবেক বিচার—
চরণে দলিত হেরি' বার বার, তথাপি হয় না হুস—
ধিক্কারে ভরা লাঞ্ছনা তোরা মর্ম্মে লুকায়ে পুস।"

I ask seriously: Must a Moslem boy be made to appreciate sentiments such as these? To say that Bengali literature has got only pieces such as these as its best specimens fit to be studied by Matriculation students is to do outrage to Bengali literature. May I just tell the House most humbly that I have been nurtured in Bengali language and literature and my vernacular was Bengali in all my University examinations? I was educated in one of the schools in the suburbs of Calcutta where Hindu students predominated, and I was never beaten in Bengali. My point is this, that the Bengali literature is now so rich that you can find innumerable beautiful pieces which may be subscribed whole-heartedly to by men to whatever race or religion they may belong. I may be asked: Do you say that these things have been deliberately chosen to hurt Moslem sentiments? I will not go so far as to say that, but I would say that the selections do reveal a

positive bias, in favour of Hindu nationalistic and patriotic sentiments as contra-distinguished from sentiments which Muslims can also echo. Putting it very mildly, this ignorance at any rate on the part of the University shows what the Moslem faith and what Moslem sentiments are. This ignorance or whatever it is, it certainly ill-becomes a University which is meant to minister to the needs of the Moslems as well as the Hindus. While choosing these pieces, it has ignored Moslem sentiments and not cared to consider that Muslim boys will be compelled to read them.

Another thing: It might be said that these things were not meant to be paid particular attention to, but that is not true, because in the questions that have been set on such pieces at examinations a detailed knowledge of these things has been required. I have dealt with a selection prepared by the University. Now I would turn to a text-book approved by it. I have got in my hand a book entitled "Indian History for Matriculation Examination," written by Mr. K. P. Mitra. I will just make a few references. In Chapter XII (Social and Political Condition—7th to 12th Centuries) India is described as the land of plenty, the Kings as benevolent despots, looking upon their subjects as sons. In contrast with this a dark picture is drawn of Muslim rule, during which "despotism run through the whole gamut of Government—Central and Provincial"; bribery, corruption, luxury, intrigue, rebellion, intolerent religious policy, etc., were the order of the day; the peasant was exploited and oppressed. Then, in Chapter XIX, the astounding statement is made that Islam was spread by the sword. Preaching of Islam is a subject on which much has been written. That Islam was as a general rule propagated by the sword is a malicious and mischievous canard which every decent historian has discarded. There is a book by Sir Thomas Arnold called "The Preaching of Islam." He has shown, without any room for contradiction, that Moslem faith was not as a rule spread by the sword as is supposed by some people. Let us take our own province. In Bengal the Mussalmans predominate, but has it been suggested for a moment that in the outlying parts of it where the Mussalmans predominate the spread of Islam was due to the sword? Do you mean to say that in these outlying parts of Bengal Muslim rule was so supreme as to force the Hindus to embrace the Muslim faith? Great Hindu authors including Sir P. C. Roy have declared that it was Islamic tolerance and brotherhood that brought the Hindus of the lower classes who were oppressed by the Hindus of the upper castes into the fold of Islam. And Moslem boys are expected to learn all this! What is the effect of this? You always cry for the different communities of Bengal to be welded together into a homogenous nation. Is this the way to help forward the growth of such a nation? Do you expect that Moslem boys will grow up in hatred of the achievements of their co-religionists and

ancestors? Sir, we stand for nothing but that composite nationalism which will freely recognise the separateness of the Muslims as a community with a distinctive and glorious civilization, culture and tradition of their own and which will allow the Muslims the unhindered nursing of their own communion. Muslims certainly cannot suffer their tradition and culture to be merged in Hindu culture and tradition. How can the Moslem boys be expected to grow in love for that composite nationalism if they are to grow up in hatred of the achievements of their forefathers? The antagonisms and the differences of opinion between the two communities are due fundamentally to your showing the Moslems in as dark a colour as possible and the Hindus in as bright a colour as possible. I submit that history written with a positive bias against Muslims should not be compulsorily taught to Muslim boys. I will not go into further details. I have great regard for the Vice-Chancellor who now presides over the destinies of the University of Calcutta. He is a talented young man. and we the educated youth of Bengal are justly proud of him. His indefatigable labours for the University have drawn the unstinted admiration of all. Sir, we do expect much from him. I do not blame him in the least. One of the objects which have impelled me to draw attention to this question on which the Moslems feel so keenly is to seek redress, not to condemn the University, not to hurt the University in any way. Your duty as a University is to understand what Moslem culture and traditions are and to show respect for them, so that the Muslims may feel that here is a University which is as much theirs as of any other community. But that unfortunately is not being done. If it were done, I would not have raised this question. I know the feelings are already bitter enough between the two communities, the Hindus and the Moslems. He who tries to widen the gulf between the two communities is not a friend of either of the communities. Our University's sacred and ceaseless endeavour should be to bring the two great communities together on the high plane of mutual respect and admiration for the best in their respective culture and traditions. I hope my observations will be taken in the same spirit in which I have made them, and effective and immediate steps will be taken to see that the Moslem may feel that his culture, his history, his tradition and his faith are safe in the hands of the University. May I in this connection draw attention to certain other grievances of the Moslem community in respect of the University of Calcutta. The Saddler Commission was appointed to reform our University. Other Universities have profited by the labours of that Commission, but I am sorry to say that our University has up till now derived no benefit out of it. The Moslems feel very strongly that they are inadequately represented on the different Governing Bodies of the University. Until the Moslems are adequately represented on the University, the Moslem interests will not be properly looked after. I do not know how long Government are going to wait till the

reform of the University is taken up seriously. There are committee through which the University gets its multifarious work done——.

Mr. PRESIDENT: Why should you go into that? I do not think it is necessary.

Maulvi ABUL QUASEM: I wanted to discuss Muslim grievance in connection with the University and I stated only one in my motion by way of illustration.

Mr. PRESIDENT: What are your reasons for opening up such a big question like this? I think you had better not go into that. You are concerned with the preparation of text-books only. I cannot allow you to go beyond that.

Maulvi ABUL QUASEM: All right, Sir. There is one other thing that I should like to mention. It is a sad fact and we have got to take note of it that whenever a Moslem expresses the feelings of his community he is at once put down as undesirable. In connection with the Calcutta University a certain Moslem M.L.C. had taken a prominent part in focussing public opinion on the question regarding these text-books, and what has happened? At the recent election he was not allowed to go into any of the Boards of Studies. I remember the case of another M.L.C. who happened to attack the Calcutta Corporation and he was not allowed——

Mr. PRESIDENT: Order, order. Please do not complicate matters in this way.

Maulvi ABUL QUASEM: What I feel is this. My simple point is that the University's conduct should be of universal appeal and not be sectarian or communal. Here is the University's own maxim in regard to text-books: "The text-books should be drawn up in a way acceptable to all communities, and special precautions should be taken to prevent the introduction of communalism in any form." I most humbly submit that having regard to the extracts that I have read out, the University cannot be said to have followed its own maxim in the preparation of text-books. Let it honour its own maxim in practice.

Babu JATINDRA NATH BASU: I desire at the outset to express my hearty appreciation of the moderation of the manner in which Mr. Abul Quasem has placed the question before this House. He has made a grievance that there are certain text-books which are studied by the students of the University and which contain descriptions or statements about faiths other than that of the Moslem community. For instance, in the extract from Bharat Chandra which he read, there was expression of a feeling of reverence for some deity or other. The University exists to spread knowledge and one of the methods by which knowledge is spread is by calling attention of the students to standard

works in literature and various other subjects. Where a particular language is taught the desire is to call the students' attention to the best works in that language. So, in compiling a Bengali text-book, the name of Bharat Chandra naturally occurs, because he was an outstanding figure in the Bengali literature of the 18th century, and the power of expression that he had and the way in which he expressed himself marked him out as a great master of language. Sir, if the basis which Mr. Abul Quasem takes for his argument is to be carried to its no logical conclusion, then in all public schools in England you must abolish writings in the classical languages of the West because the boys are made to read text-books which in many cases commence with an invocation to the Muses, to Minerva, to Jupiter, Juno and various other deities. Not only boys in the high schools and not only for the purpose of actual matriculation but children of lower standards have to read those things. So they become pagan Romans or pagan Greeks by reason of having studied those works of literature. That is done every day and has been going on for centuries without affecting English life in the least. English life has remained English life. Sir, in a text-book specifically collected and published as containing specimens from the writings of Bengali authors, passages are bound to occur in which there is invocation to the various deities of the writers. How can that be avoided? There is one question undoubtedly to which attention must be directed and to which the University itself in the rule that has been read out by Mr. Quasem has drawn pointed attention: It is this, that there must not be anything in the writings which will be abusive of any other faith or which will hurt any other faith. That has not been done I carefully listened to all the extracts read out by Mr. Quasem, and not in one of them was there any attempt at depreciating the faith of my Moslem brothers. Sir, as regards works of history, Mr. Quasem has referred to recent books only. If he had read books on Indian history that were read by Moslem and Hindu scholars about 70 or 75 years ago, such as the books of John Marshman and other authors, he would have found much more bitter things than the little thing that he read out. As regards history, you have sometimes to read Gibbon. It may be that it is not all good history, but it is placed before you and you read it. I once read "Jahangirnama." I remember a passage in his autobiography in which the Emperor Jehangir says that his uncle Raja Bhagawan Das had erected a magnificent and beautiful temple at Benares at a cost of about Rs. 4 crores and Jahangir said: "I went and saw that temple but could not resist the temptation of demolishing it." Those who want to go to the original sources of historical knowledge have to read such books. You go to Universities to have materials placed before you. You are to sift the materials and use your own judgment. Why should "Jahangirnama" be shut out from Hindu students? I do not want it to be shut out from the curriculum of Hindu students. I want it to be there. It

is taking a completely wrong view of education to say that somebody who writes beautifully and who, in some cases, for instance in some historical works, collects materials not palatable to all should not express his own view in his works. Every writer states his own views in his writings. But you have only to see that they do not abuse or hold up to ridicule or to contempt the faith that others hold dear. That is the principle which should guide those that are responsible for selecting text-books for the University. Sir, I am surprised that an objection like this should be directed against what the University has done in this matter. I think that if what education at a University means is well understood, objections of this nature would not be made. I do not mean any depreciation of what my friend has stated. He has, no doubt, gone about picking out things from where other people have praised their own respective faiths, or where they have adored the tutelary deities of their family or of their race. But I do not see why people in general who want to read beautiful writings should be deprived of the opportunity of having placed before them ideas and things which are beautiful and are well expressed. With these words, Sir, I oppose the motion.

Mr. NARENDRA KUMAR BASU: Mr. President, Sir, this is the first time that I have had a copy of the Matriculation Bengali Selections in my hands, and I have been trying to discover in how many places this book has outraged Muslim feelings according to the mover of this motion. Having gone through the passages cited by the mover, I refuse to accept the statement that Muslim feelings would be outraged by the extracts read out by him Sir, I have a greater respect for the feelings and the intellect of my Muslim countrymen than it appears the mover of the motion has. He said during the course of his speech that I had objected to certain laughter in this House on some other day and that therefore I should not have laughed to-day. Sir, I was not laughing at any incident that has happened to-day. I was laughing at the stupidity of the illustrations cited by the mover for the purpose of showing that the University had shown utter disregard for Muslim feelings.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, may I appeal to my friend that this controversy should not be made more acute than what it is already?

Mr. NARENDRA KUMAR BASU: I do not know whether the Hon'ble Minister has risen on a point of order or not. What I submit is that disregard is something active, and, therefore, as soon as the mover of the motion said that the University has not deliberately chosen these pieces in the text-books but has done this out of disregard for Muslim sentiments, he gives away his own case. Then, I do repeat that it is absolutely untrue to say that in these selections any disregard for anybody's feelings has been shown. For example, I find in this

book a prose quotation from one of the great Muhammadan writers of Bengali, I mean Musharruff Hossain *marhum*, saying that—

আমি একেশ্বরবাদী নহি ; নানাপ্রকার দেবদেবীই আমার উপাস্য।

This, Sir, is from a Muhammadan writer, and I wonder that Mr. Abul Quasem does not want the head of this writer—I do not know whether he is dead or alive—on a charger. (MAULVI ABUL QUASEM: He is long dead.) Well if he is dead, let Mr. Abul Quasem run across to his grave and charge him with being a traitor to Muslim sentiments!

Then, again, if you come to a poem by a Muhammadan writer in this book, you will find that it begins—

এইখানে তোর দাদীর কবর ডালিমগাছের তলে,
তিরিশ বছর ভিজায়ে রেখেছি দুই নয়নের জলে।

This, Sir, is an outrage on Hindu sentiment; the author speaks of কবর, not of শ্মশান nor of চিতা, but of কবর. Then, Sir, it goes on—

এতটুকু তারে ঘরে এনেছিনু সোনার মতন মুখ,
পুতুলের বিয়ে ভেঙ্গে গেল বলে কেঁদে ভাসাইত বুক।

That is, again, Sir, against the Sarda Act. So, the University must have shown disregard for Hindu sentiment and for the Sarda Act also by putting this extract here. Then, again the last stanza of that poem is—

ওই দূর বনে সন্ধ্যা নামিছে ঘন আবীরের রাগে,

Look at that from a Muhammadan writer! He writes of আবীর, Sir, which is an emblem of the Doljatra? It goes on thus—

অমন করিয়া লুটায়ে পড়িতে বড় সাধ আজ লাগে।
মজিদ হইতে আজান হাঁকিছে বড় সুকরুণ সুর
মোর জীবনের রোজ কেয়ামত ভাবিতেছি কতদূর ?
জোড় হাতে দাদু মোনাজাত কর "আয় খোদা রহমান
ভেস্তে নাজেল করিও সকল মৃত্যু-ব্যথিত প্রাণ।"

Can you conceive of a greater insult or a greater disregard shown to Hindu sentiments in a book prescribed by the University the majority of whose Indian members are Hindus?

Maulvi ABUL QUASEM: The text-book has been compiled by the Hindus themselves.

Mr. NARENDRA KUMAR BASU: Sir, Mr. Abul Quasem is so dense that he does not understand my point. As soon as he objected to the loud laughter which greeted his citation of the extracts, I knew at once that the sense of humour had left him.

O! Humour, thou art fled to brutish beasts,
And M.L.C.s have lost their reason!

Maulvi ABUL KASEM: Sir, when I came in I heard my friend on my right (Maulvi Abul Quasem) speaking on his motion, and, so far as I could understand, it has been praised by Mr. J N. Basu that it was throughout marked by moderation and not by a spirit of racialism. The object of the speech and of his motion was, practically, to draw the attention of the hon'ble the Vice-Chancellor of the Calcutta University, and, through him, to the authorities of the University to the mistakes they have made. My friend said that the Vice-Chancellor has a love for the University. I say he has inherited that love. It is his ancestral connection with the University which not only makes him love the University but which makes other people, too, love it. But I am sorry to find that the very moderate, conciliatory, and appealing speech of my friend should have irritated my friend Mr. Narendra Kumar Basu, and he has taken advantage of this occasion to shower abuses on my friend, Mr. Quasem. He says that the statements are untrue and that there is nobody who will take offence at them. He points out that some of the pieces written by Muhammadans are objectionable to the Hindus—especially the poems—but my friend remarked casually that those text-books have been selected by non-Muslims. I submit that there was neither any occasion for nor any good taste in the speech which Mr. Narendra Kumar Basu has delivered. The question is whether these pieces are offensive or not. The question is the manner in which—whether in the University or the Corporation—their behaviour and their conduct has been such as to irritate Muslims. It is men like Mr. Narendra Kumar Basu who cause this sort of friction between these two communities.

Mr. PRESIDENT: Order, order. May I appeal to you not to indulge in personalities but to discuss the matter without any heat or passion?

Maulvi ABUL KASEM: Sir, in obedience to your ruling, I do not like to speak with heat and passion. I would only say that Maulvi Abul Quasem's speech was such that no sensible man, no unbiassed man, could have taken any offence at. My friend has been very argumentative, no doubt, but I am sure that the Vice-Chancellor will take advantage of this motion to take steps necessary for the redress of the grievances. I never expected, after the speech of Maulvi Abul Quasem, that there would be further speeches beyond a reply from the Vice-Chancellor, and I shall be sadly disappointed, if after this incident of to-day, the constituencies all over Bengal do not take steps against such action on the part of the University.

Mr. PRESIDENT: Order, order. I should like to appeal to the House not unnecessarily to prolong this discussion or be led to dangerous paths. The question which has been raised is not a very big one,

and I think that the debate could be closed, without prejudice to any party, with some observations from Mr. Syamaprosad Mookerjee as to the real state of affairs and the position of the University with regard to the matter under review.

Mr. SYAMAPROSAD MOOKERJEE: Sir, my position is rather a difficult and delicate one here. I come to this House as an elected member of the graduates of the University, and I also happen to be Vice-Chancellor of the University. I shall place my views on this matter before the House, and shall, incidentally, refer to the policy followed by the University from time to time in connection with the points raised by the mover. Speaking for myself, I have no quarrel with the tone in which the mover has put his case before the House, and I am even prepared to admit that, so far as he is concerned, he sincerely feels that a great wrong has been done to his community. When I say this, I do not refer to the substance of his arguments. He has appealed to me in several portions of his speech, and I would begin by making an appeal—an earnest appeal—to him that in regard to a matter like this, he would please look at the question from a broader point of view and not impute motives to the University or trace sinister designs where none exists. I can assure him that the members of the University have much more to do than to be participators in a conspiracy to select pieces in their text-books which will be specially offensive to a particular community. I entirely agree with the mover that the University does not exist only for the Hindus; it is a University for the whole province. It exists not only for Hindus and Muhammadans but also for other communities which may be residing in this province.

Now, Sir, I shall take his criticisms with regard to the Bengali selections in the first place. My first proposition will be that these selections must be looked upon as part of literature; it is not part of a propaganda for the purpose of forcing particular feelings or sentiments which might appear in random portions of this or that book on a particular community. Let me give one concrete instance with regard to another text-book which will immediately appeal to the members of the House. The University prescribes the Bible as a compulsory text-book from Intermediate to B.A. Standards. Has any suggestion been made either by the Hindus or the Moslems that thereby the University is deliberately attempting to spread Christianity amongst the members of the two communities (Interruptions by Maulvi Abul Kasem)? I do ask Mr. Abul Kasem not to interrupt me. I do not want to introduce heat in this debate. I know it is fraught with possibilities of disputes and differences both inside the House and outside. To come to the point, Sir, some objections were raised by certain members on that occasion, but what was the reply

that the University gave? The reply was, that they were introducing this book as part of English literature, because they felt that if English literature was to be properly taught, some parts of the Bible, adapted to Indian students, must be in the hands of Indian boys. With regard to the Bible, there has not been any suggestion by the Moslems that the University has been responsible for introducing feelings and sentiments which are offensive to their community as being anti-Moslem. Take devotional English poems to be found in English text-books. Are they to be treated as part of literature or to be condemned as depicting ideas or themes which may not be consistent with the sentiments of a particular religious community? With regard to the allegation that you have in your text-books passages which are definitely pro-Hindu, I really do not know what is exactly the position. If the allegation is that you are deliberately putting in things which are anti-Moslem, well, it is a sphere of criticism where discussion may be possible. But if you simply say that certain pieces and extracts are objectionable because they are pro-Hindu or pro-Christian, then I ask the responsible members of this House, where do we exactly stand? But really, Sir, if you treat them as part of literature, are they really so offensive to the Moslem community? I think when Mr. Narendra Kumar Basu made certain references to Moslem writers in his speech he was misunderstood. What he meant to say was this—that so far as similar sentiments were concerned, they have been handled in the same way by Moslem authors as well. I have here in my hands a number of copies taken at random of an influential Moslem monthly magazine, the *Masik Muhammadi*, where we find poem after poem written by Muhammadan poets dealing in some portions with Hindu ideas and ideals. Obviously, Sir, if such topics were so outrageous to the feelings of the Moslems, no Muhammadan would have written them, and even if a few Muhammadans had the courage to write them, this magazine would not give them that wide circulation which it has been doing. These writings simply contain some good and noble sentiments and feelings, which are placed in the hands of the boys. We never ask the students that they must go and actually practise what is preached there. Take, for instance, the story in the Intermediate Bengali text-book taken from the famous novelist Sarat Chandra. There a picture has been given depicting the life of a Bengali Muhammadan peasant—how he would stand against oppression, how he would admire courage and devotion to truth, how he would defy the powers that be for the sake of the ideal which he thought was his own. And there in one place he praises and cries in the name of Allah—does that mean that all Hindus are being asked to pray in the name of Allah and not in the name of Hari? Or, if the word *haribol* is uttered, does that mean all must pray in that name? It would be absurd if you go on arguing in that fashion.

I feel that if there is a genuine feeling amongst the Muhammadans here and outside that there are sentiments in our text-books which are definitely anti-Moslem in character, by all means let them write to the University. Each case will receive its consideration, but the allegations must be based on well-founded criticisms. We do want to make our University a national University, catering to the needs of all, and I do therefore protest in the name of the University that there should be any allegation made in this House and outside that the University is following an anti-Moslem propaganda for the purpose, as my friend says, of imposing the faith of the Hindus upon the Moslems. There is no question of imposing the faith of anybody upon anybody else.

With regard to text-books in History, I expected that my friend would refer to text-books which are mostly in circulation in Bengal. So far as the History books are concerned, the University does not write any text-book, but recommends a number of them of which, the book referred to is one. But what is this text-book, Sir? This was written by the Principal of Monghyr College in Bihar who is a Fellow of the Patna University and Head Examiner in History. This book has been prescribed by Patna University for the Matriculation Examination of that University, and no objection has yet been taken either by the Patna University or by the Bihar Legislative Council to its introduction. So far as this book is concerned, this is not really the only text-book in Bengal. Text-books are selected from amongst authors whose names are familiar in Bengal. Even in regard to this text-book, you are not justified, by taking one passage here and one passage there at random, in saying that this is how Moslem feelings are outraged. You can do that in regard to any community. Take this very book. The author in some places refers to Hindu rulers as buffoons and weak and cowardly. These are very strong words to use, but have Hindus objected to this? Similarly, in this very book there are praises of Moslem rulers. I do not want to tire the patience of the House by quoting long extracts, but I have 18 extracts with me taken at random, where there are definite passages applauding what the Moslems have done not only for India but also for Bengal. I ask you not to condemn a book simply by taking a few isolated sentences —every book can be condemned in that way, even written by Europeans. If any particular school thinks that a book of History is objectionable, it can select any other text-book for which there is always a choice. Incidentally, Sir, I made enquiries in office to-day when I was told that there was not a single Muhammadan writer who during the last six years submitted a book on Indian History. Is that the fault of the University? Is that the fault of the Hindus? Let competent Muhammadan writers come out and write books and indicate the standard they desire to see followed. The question of History books raises delicate points. Authors, be they Hindu or

Moslem, must remember they are to write history and not story. We also must remember that there are many unpleasant truths which have to be told both against the Hindus and the Moslems. That need not disturb our equanimity. We should know how to deal with them. If it is said that in some periods Hindus and Moslems fought with each other, I am not afraid of that. What is the lesson we have learnt from such fights between the Hindus and the Moslems? The lesson is that we have lost our country. Is that not a lesson that we can hand over to our future citizens in a suitable form? We want them to remember if they want to be the masters of their country, they must unite, and must not fight with each other in the way in which they have done in the past. You have said, Sir, that this is a small matter, but there are other matters concerning Hindu-Muslim unity which are more important which may come up at any moment. I would say at the end, do believe us, we do not want to impose a particular culture upon a particular community. We do not want to be unfair towards anybody. If there are legitimate grievances, I for one shall always welcome any reasonable proposal for their discussion. The present atmosphere of mutual distrust and suspicion is ruinous and may we not unite to discover the correct path of permanent reconciliation?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I should like to——

Mr. PRESIDENT: Do you want to speak at this stage? I thought that the Vice-Chancellor's speech should be the last. Is it necessary for you to speak?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, the understanding was that the Vice-Chancellor would speak immediately after me.

Mr. PRESIDENT: In that case, others might like to speak.

Maulvi TAMIZUDDIN KHAN: May I suggest one thing? I think others should be allowed to speak and then the Hon'ble Minister can give a reply.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Is it the procedure that after the Government Member or Minister has replied, others can speak?

Mr. PRESIDENT: I should not close the debate if others want to speak; but is it necessary for you to speak?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It is necessary for me to speak to make clear the attitude of Government.

Mr. PRESIDENT: All right

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Personally, Sir, I would appeal to everybody that in a matter like this, we are touching the most delicate problem which affects not only the present but the future also, which affects the relationship between the two communities, a problem which affects the intellectual regeneration of the province, and that, therefore, in tackling it, we must all be guided by moderation, sobriety and reason. I feel that a matter like this should be discussed first of all on the University platform, and in view of the statement which the Vice-Chancellor has made, I appeal to my Muhammadan friends to desist from discussing this matter for the time being on the floor of the House. I also apppeal to them to take this matter up in right earnest with the University. Personally, I have my points of agreement and disagreement on the question which has been argued by so many different speakers, but I must say that a book on History or Literature cannot be judged by isolated extracts taken from here and there It is the entire perspective that matters. I feel, however, that if there is a genuine grievance of a community, a grievance which might be for the time being such that others might not understand it, it is real statesmanship to yield to that grievance, and I would appeal to my friend, the Vice-Chancellor, and to my other friends, that if the Muhammadan community, even if wrongly, feels that they have a grievance, it would be practical statesmanship and wisdom to try to understand it and not to ridicule it. I am pained to say, however, that there has been an attempt at ridiculing them. The attention of Government has also been drawn to it by certain articles which have appeared in the Press as also by the resolution which was brought before this House. So far as Government is concerned, I can assure my friends that Government will look into all the books which have been referred to. Personally, I propose to discuss the matter with the Vice-Chancellor, and I hope that if the Vice-Chancellor and myself meet together and try to find out the points of objection, we will be able to come to a satisfactory solution of the problem. On this assurance that I propose to look into the question personally along with the Vice-Chancellor and try to find out an amicable settlement in the matter by understanding the points of view of both the University and the Muhammadan community, I hope and trust that without discussing the matter any further, there will be a close to this debate, and that my friend will be prepared to withdraw his motion.

The motion was then by leave of the House withdrawn.

Maulvi NURUL ABSAR CHOUDHURY: Sir, I beg to move that the demand of Rs. 3,87,306 under the head "31A—Education (Transferred)—Grants to Calcutta University" be reduced by Rs. 100.

Mr. President, Sir, the motion is intended to move the authorities concerned for not granting recognition to the Sandwip High School in

the Island of Sandwip in the district of Noakhali, in spite of the fact that it has fulfilled all the conditions necessary for affiliation and the Divisional Inspector of Schools and Second Inspector of Schools have, after repeated inspections, recommended to the Director of Public Instruction and the University for granting recognition. Hence, I think, it is necessary to briefly state the history of the school to justify the motion.

The Island of Sandwip has a population of about a lakh and a half, 85 per cent. of whom are Muslims. Formerly the island had only one high school, viz., the Cargil High School. It was started by the Muslims, but the Hindus gradually ousted them completely from the management, with the result that the present managing committee of the school consists of all Hindu members.

Almost all posts of the teachers were filled up by Hindus. Muslim students were not admitted on various pretexts with a view to perpetuate the Hindu control.

These difficulties of the Muslims are borne out by the records of the school. Successive District Magistrates and Divisional Inspectors of Schools, both European and Indian, including Hindu officers, drew pointed attention in their inspection notes to the inadequate representation of the Muslims on the managing committee and the staff, but in vain.

The matters came to a head at the end of 1932 when all attempts to secure redress for the Muslim grievances by amicable settlement failed. The Muslims had to leave the school and to start a new one. They made the new school well equipped and fulfilled all requirements for affiliation. They spent Rs. 16,000 after this new school in these hard days, and there has been a net gain of over two hundred students in the school within a short space of time without infringing the efficiency of the old high school.

The Inspectors of Schools recommended for affiliation, in consultation with the District Magistrate. The matter went up to the Calcutta University through the Director of Public Instruction. But unfortunately the University refused recognition and requested the Director of Public Instruction to amalgamate the two schools—that was at the end of 1933.

Since then the matter is hanging in the office of the Director of Public Instruction. Various negotiations for amalgamation failed, as the Muslims were asked to come back to the old school without redress of any of their grievances. This they could not do after spending Rs. 16,000.

Anyway, amalgamation has failed. There is no chance in that direction as the authority of the Cargil High School is not prepared to

redress any of the Muslim grievances. That the Muslims have spent Rs. 16,000 after the school and that there is necessity for the new school were admitted by the Hon'ble Education Minister in reply to certain questions of Mr. Md. Fazlullah in the last year, July session. The Inspector of Schools has repeatedly recommended affiliation to this school. These irrefutable facts leave no doubt that the Sandwip High English School eminently deserves recognition.

Yet nothing is being done by the authorities to help this deserving school. The University had no justification for refusing recognition to this school, when the school fulfilled all the conditions necessary for affiliation.

There is, indeed, no reason for refusing recognition to this school except that it is an institution run mostly by the Muslims. The attitude of the Calcutta University authorities towards the Muslims is well known. But it is not understood why should not the Government see justice done to the school after the admission made by the Hon'ble Education Minister that there is necessity for the new school and that poor Mussalmans of the island have spent Rs. 16,000 after it. I again say, there is no justification to stop recognition to this school. No objection can be raised on the ground of proximity of the two schools. The new school is one mile away from the old one. Similar schools have always got recognition. The Ghani High School of Chandpur is at a stone's throw from the Jubilee High School. Almost similar is the case with Patya and Rahat Ali, Gahira and Rauzan, in Chittagong, Natore Maharaja High English, Dighapatiya High English in Rajshahi, Chandipur, and Babu Nagar High English in Noakhali, and the innumerable High English Schools in Vikrampore. The fact that each school has about 250 students shows that two schools can be accommodated in the town of Sandwip. Another school was rushed by the Hindus at Katgarh to stop recognition of the new school in the town. This was done after the new school had been started. Katgarh is 7 miles away from Sandwip town. It has not served and cannot serve the purpose (nor is serving) of the town. Katgarh school has not done anything except serving the Hindu purpose. The present condition of Katgarh school does not justify its existence. It is situated in a backward village where it is impossible for distant boys to stay and read. The Muslims have far greater need for the new school in the town than one at a distant backward village. Government will be convinced of it if they make an enquiry on the point. Besides, three schools for a population of a lakh and half are rather insufficient to meet the growing demand for education of boys whose numbers are increasing by rapid strides. If we take even 5 per cent. of the male population of Sandwip as boys of secondary school-going-age, the number of such boys stands over 3,500, whereas at present we have only about 1,800 boys in all secondary schools of the island. Hence, it appears that there is ample

room for more secondary schools, especially high schools, to provide for the education of the people of this island. With the growth of the free primary schools the necessity will surely increase. The position in the island is again peculiar. The islanders can scarcely send their boys elsewhere. So there cannot be any objection on this score, too. The new school has fulfilled all the requirements for affiliation. It has land, good buildings, competent staff, good library, hostel, and sufficient students and funds. A high European official (Mr. A. D. Gordon, Deputy Inspector-General of Police) has noted in his inspection remarks that—"There is a definite feeling in Sandwip in favour of this new school. The number of pupils in itself proves this." The then I. C. S. District Magistrate said: "There is a real need for a second high school at Sandwip." The Divisional Commissioner also by a donation of Rs. 200 to the Sandwip High English School testified to the necessity of the school. The facts are incontrovertible, but the Muslim lot is bad as usual. Thus, there is absolutely no justification for refusing recognition to this school.

The University is no doubt the final authority in the matter of affiliation, but that is no reason for the Education Department's inaction. The University is not the supreme authority of the land. If the Government find that the Muslims of the island have a good cause, why should they not prevent the University from doing a great injustice to the Muslims in the matter of education? To-day Muslim education in the island is distinctly suffering. The Muslim boys have no room in the Cargil school as on most occasions they were refused admission on some pretext or other to keep down the number of Muhammadan members in the managing committee. Katgarh High School does not meet their needs. The new school is not getting bare justice from the authorities. If this be the position of the Muslims in the field of education under the benign British Government, we don't know where the Muslims will stand under the Swaraj Government. I do not for a moment plead for a special concession. Here is a case in which a great injustice is being done to an eminently deserving school simply because it is a Muslim institution, though some high official (Subdivisional Officer) of the State even admitted that this school is in no way inferior to any semi-Government institution in the division. The Divisional Inspector of Schools strongly recommended for the recognition of the Sandwip High School after his personal inspection of the affairs and the working of the new school and the second Inspector of Schools also recommended for its recognition and the Director of Public Instruction thought it wise, in the past, to forward the case for affiliation. But the University is quite adamant and has not even sent a University man to see how the school works and whether it deserves recognition and without justification refused recognition basing its conclusion on the telegrams of one Babu Satis Chandra Roy, a young L.M.F. Doctor, ex-student of the Cargil

High English School, and on the representation of Babu Jogesh Chandra Banarjee, Secretary of the Cargil High School, and another by his Mohurar, Babu Rabati Mukherjee. The University has taken the statements of these three Hindus as Gospel truth, while it has thrown into the waste paper basket the recommendation of the high officials of the State like the District Magistrate, Deputy Inspector-General of Police, Subdivisional Officer, Assistant Registrar of Co-operative Societies, and Divisional Commissioner who testified to the necessity of the school. It also utterly disregarded the copy of resolution passed in the meeting of the Welfare Association and sent by Babu Rajendra Kumar Nag—a local influential Pleader and the Secretary of the Welfare Association (an important organisation run by Hindus of the locality and the President of which is Babu Raj Kumar Chakrabarty, Advocate, Calcutta High Court) to the University desiring that the Sandwip High School get affiliation and that there is necessity for more high schools at Sandwip. Moreover, 4 years' experience in the past has shown that the existing three high schools at Sandwip can run quite smoothly, maintaining their efficiency in respect of students in the roll, etc. I may here also mention that the policy of Government for reducing the number of schools has not been followed by the University, and the Government is in a position to place before the House the exact number of new schools that have been granted affiliation after the application of Sandwip High School for recognition. I can challenge and, if necessary, I can cite instances to prove that many new schools that were affiliated since then are in many ways inferior to the school I am advocating for. Even most of them do not fulfil the bare conditions for affiliation. But alas! mine is a lost case since it was started by Muslims in response to the growing demand of the Muslim population to further educational advancement and particularly when Cargil High School was not catering for the needs of the Muslims. In the end I would appeal to the good sense of the University authority, particularly Babu Shyamaprosad Mookerjee, the worthy son of his worthy father, not to treat this as rank communal but as an honest effort for furtherance of educational advancement in the country. It is for this purpose of drawing pointed attention to this glaring injustice to a good cause and its immediate redress that I commend my motion to the acceptance of the House.

Maulvi MUHAMMAD FAZLULLAH: Mr. President, in supporting the motion moved by Mr. Nural Absar Choudhury, I would not take much time, but stress upon two important points, namely, that the University without justification refused recognition to a very deserving high school which was started in response to the growing demand of education in the island, particularly when the Cargill High English School failed to cater for the needs of the Muhammadans and perpetrated injustice thereby, and that the department has also shown callous

indifference in not timely interfering in the matter, in spite of the fact that various representations were made to the department to come to the rescue of the poor victims and to redress their grievances, particularly when I put questions in July last—to the Hon'ble Minister in charge of Education.

Now to justify my statements, I would like to quote a few remarks made by the responsible officers, both European and Indian, from their inspection notes on several occasions. In 1914 Khan Bahadur Ahsanulla remarked: "The school has a committee of 10 members with the *munsif* as its President and the Sub-Deputy Collector as its Secretary. I do not think that the Muhammadan community is fully represented. The number of Hindu and Muhammadan members should have been equal as the number of students drawn from two communities are almost equal." He has also suggested for appointment of two Muhammadan under-graduates. In 1919, Mr. M. P. West, the then Inspector of Schools, writes: "The school is not making a profit owing to the reduced roll number. The chief causes of steady fall in the number of pupils are (1) the failure to satisfy Muhammadan requirements. There are only three Muhammadan members in the committee, two of them being Government servants. As to the junior madrasa, this could never have been started if the high school catered for the needs of the Muhammadans. The only thing to be done now is to try to satisfy Muhammadan requirements by getting Muhammadan teachers, etc."

In 1920, Mr. R. M. Das, the then District Magistrate, Noakhali, remarked: "There are only three Muhamadan members in the school committee; the number should be increased at least to five (out of ten) when the committee is reconstituted."

Again, in 1922, Khan Bahadur Ahsanulla remarked: "In a place where the Muhammadan population exceeds 80 per cent., it is desirable that the staff should have a reasonable Muhammadan element in it." But unfortunately the authorities of the Cargill High English School never cared to comply with the remarks or to remove the manifold grievances of the Muslims. The mover of the motion has already pointed out how high officials of the State like Divisional Commissioner, District Magistrate, Subdivisional Officer, Deputy Inspector-General of Police and others have testified to the necessity of this school and I reiterate the same view and appeal to the good sense of the House for the acceptance of the motion.

Can the University authority cite similar instances in the past in which they could ever reject recognition on a flimsy ground like this? I think the Hon'ble Minister distinctly remembers the unhappy episode when the old institution like the Pachimgaon High English School had to be withheld recognition for some time in preference to another newly started High English School there. I cite another instance where in

presence of an established High English School at Rajganj (Noakhali) three other new schools within a distance of four miles (Kalikapur, Gopalpur and Behupur) from the old one have been given affiliation only last year; the condition is far inferior to that of Sandwip High English School of Noakhali. But I would not press the authority for so much indulgence, but would be amply satisfied if I see that the much needed high school like the Sandwip High English School gets recognition side by side with the old one which is at a distance of one mile from the new one.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I must say that this is a matter which has been pending for a pretty long time and has been the subject of acute controversy in the locality. For ourselves we tried our best for the settlement of affairs and the Director of Public Instruction himself went there. At one time it was thought that some sort of amicable arrangement would be possible. We waited and waited and the latest information is that no further progress has been made. At one time it was thought advisable that in view of the growing needs of education the two schools might remain; one might develop in technical side and the other in the general side. It was reported that it would be a profitable concern if one school developed on the technical side by encouraging some nautical knowledge as also some technical knowledge, but I do not know what progress has been made. We have just got a report from the District Magistrate that nothing further has been done. I propose to go to Noakhali in the middle of the next month and will personally look into the matter. I hope to bring an end of the controversy one way or the other and I believe that my friend will try his level best to help me in coming to a solution of this matter. Personally, I feel that the proposal to have a high school and another technical school with lower education will be eminently in the interest of the locality. I shall be personally grateful to my friend if he would help me when I come there and settle the matter. I hope that in view of this assurance my friend will withdraw his motion.

The motion was, then, by leave of the House, withdrawn.

Maulvi ABDUL HAKIM: I beg formally to move that the demand of Rs. 4,34,000 under the head "31A.—Education—Transferred—University—Grants to Calcutta University" be reduced by Rs. 100 (indifference to vocational education).

I also formally move that the demand of Rs 4,34,000 under the head "31A.—Education—Transferred—Grants to Calcutta University" be reduced by Rs. 100 (neglect of primary education).

Maulvi TAMIZUDDIN KHAN: Sir, I want to say only a few words on the latter motion that has been formally moved by my friend

Maulvi Abdul Hakim. That motion proposes to deal with the question of neglect of primary education. This question has been discussed threadbare on the floor of the House on many previous occasions and we all know the arguments in favour of the expansion of primary education in this province. Even during the current session opinion was expressed by several members of the House to the effect that as far as the Primary Education Act was concerned probably the intention of the Government is not to enforce it at all and to shelve it for all time to come. The Hon'ble Minister raised a strong voice of protest against that opinion. I was glad that he protested against an opinion like that, because that raises some hope in us that probably the Primary Education Act will ultimately be given effect to. I said some time ago that there were signs of returning prosperity in the country and the finances of Bengal had also shown some improvement; that being so, my definite suggestion was that if really Government were sincere in their desire to give effect to the Primary Education Act, Government might very well as a token of their sincerity enforce the Primary Education Act in its entirety at least in one district. (A VOICE: Why in one district alone?) I shall be glad and grateful if the Hon'ble Minister can see his way to enforce the Act in its entirety throughout the whole province, and if my friends who are murmuring can induce the Hon'ble Minister to take that step, I shall be only glad to follow them and to go with them into the same lobby if this matter is pressed to a division. But I am afraid that Government are probably not in a mood to go so far. I, therefore, make the modest request that Government should think over this question and should decide in favour of enforcing the Act at least in one district for the time being. If, however, the Government decide to enforce the Act throughout the whole province, that will no doubt be the best thing to do. With these few words I support this motion.

Mr. SARAT KUMAR ROY: Sir, I yield to none in my solicitude for the welfare and education of the cultivators. And I shall be highly pleased if it had been possible for the Government to launch this Primary Education Act at once in the country.

But, Sir, I agree with the Government in thinking that, owing to the great economic depression that is still continuing, times are not yet favourable for enforcing the realisation of the Primary Education Cess.

Sir, it is a well known fact that the tenants are feeling great difficulty in paying rents due from them and the existing cesses. As a consequence, the *zemindars* are also feeling great difficulty in meeting their demands for land revenues and cesses.

The mover of the motion is certainly aware that many estates and *patni* and other tenures are being frequently notified for sale and

Government are even issuing body warrants against *zemindars* for realising the cesses due and are compelled to accept payments of such arrears by instalments.

Sir, the agriculturists are also heavily indebted to their creditors, both *mahajans* and landlords. So that this House had to pass an enactment only recently for the settlement of debts by conciliation. Under the circumstances, I fail to understand why my friend, the mover of the motion and his supporters, who profess to be great friends of the tenants, are so very anxious to impose at such an inopportune moment this additional burden of taxation upon the impoverished people of Bengal, both tenants and their landlords.

I, therefore, oppose the motion.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I am glad that my friend has raised this debate about the neglect of primary education. It serves at least one important purpose and that is to keep before us the fact that this is a demand which nobody can possibly forget. The state of primary education in Bengal has been described best in the resolution which Government published last year, and I think that itself will show the point of view from which we look at the present position, and I can assure my friends that if it were possible for me to introduce primary education to-morrow I feel I would have done it. But there is a difficulty. Under the statute we have to proceed with certain matters, because I believe the Primary Education Act sooner or later will have to be enforced, and I make that public declaration, and with a view to do that it is essential, before the Act is enforced, that Government must at least be in possession of all the details so that at any moment the Primary Education Act may be enforced. It will be necessary for Government and the local bodies to adjust the primary needs in such a way that there might be equitable primary education throughout Bengal. Suppose the Act is enforced to-morrow, can my friends say where those schools should be started, whether people will pay for them, and if there is no programme, what would be the curriculum and things like that? Sir, it is with a view to avoid that that we have put up tentative proposals of dividing Bengal in such a manner that there might be primary education within an equitable distance of each and everybody. I have never claimed perfection for this scheme, but, unfortunately, criticisms have been directed against it rather destructively than constructively. But, Sir, I do claim that this scheme is certainly better than the present system of primary education. As I said yesterday, Sir, at the present moment there are only 9,000 villages which provide primary education. Under our present scheme there will be 16,000 villages which will provide primary education, and I consider that the proposed scheme is far better than the present one.

I wish I could do more if our finances permitted, but as finances do not permit, I feel 16,000 schools equitably distributed are better than 9,000 schools, and it is with a view to do that, so that primary education might be introduced at any stage when the time is ripe, we are at work so that arrangements might be made at least to have the location of the schools, the curriculum of the schools, and other incidental details, settled well before the proper time. I may inform the House that perhaps in to-morrow's papers, or, possibly, this evening, my friends will be able to read of the announcement of the appointment of a committee to go into the question of the primary school curriculum. That committee will immediately enter upon its task, which is to find out a suitable curriculum for our primary schools. Therefore, so far as the organization is concerned, we have put up some tentative plan, and it is open to the local bodies to decrease or increase their number or to adjust them according to local conditions, Goverment will make no objection. Secondly, the curriculum question has been taken up, as I have already said. Thirdly, as soon as the district school boards come up to Government for the application of the Primary Education Act in their districts, Government will consider that question. I may, in this connection, inform the House that the District School Board of Mymensingh has applied for the introduction of the Primary Education Act in that district, and I want to know from the representatives of the Mymensingh district—particularly from the member who represents that district in this Council because he proposes the same question—as to whether they desire that the Primary Education Act should be introduced in the Mymensingh district. I hope that my friend Maulvi Abdul Hakim will give an authoritative reply and say whether he desires that the Act should be introduced in the Mymensingh district or not. I may remind him that this will involve the payment of the Education Cess. Then, after consulting the members and other bodies, Government will come to a decision as soon as possible. For the time being, I can assure my friend that we shall very quickly expedite the work so far as the preliminary details are concerned, and as soon as the preliminaries are finished, I shall be able to announce what steps we are going to take in this matter. But before we can agree to the introduction of the Act into Mymensingh, we shall have, as my friends well know, to go first to the Finance Department and then to the Revenue Department and to other departments as to how the cess should be collected, and for things like that. Rules will have to be prepared, and I again assure the House that we shall quickly get work as soon as the preliminaries are settled. In view of this assurance, Sir, I hope that my friend will see his way to withdraw his motions.

Maulvi ABDUL HAKIM: May I say, Sir, a few words by way of reply?

Mr. PRESIDENT: You have no right of reply.

Maulvi ABDUL HAKIM: Then, in view of the assurance given by the Hon'ble Minister, I beg leave of the House to withdraw my motions.

The motions were then, by leave of the House, withdrawn.

Maulvi ABDUL HAKIM: Sir, I beg to move that the demand of Rs. 4,34,000 under the head "31A—Education—Transferred—University—Grants to University" be reduced by Rs. 100 (allowing plucked college students to appear, without getting readmitted, as private examinees at their University Examinations).

Sir, I bring this cut motion primarily for giving educational facilities to the boys of poor agricultural people. The sons of agricultural people who have once failed in their college examinations in the Arts course are quite unable to get readmitted in colleges and prosecute their college studies for want of money, in these days of extreme economic depression.

If a student gets plucked at the Matriculation Examination, he is allowed to appear again in his examination as a private examinee, but, in colleges, a boy who gets plucked once, is never allowed to appear as a private examinee in his University examination unconditionally. Government know full well that a college student is required to undergo considerable expenditure to prosecute his studies again in a college.

A college boy, who after attending the course regularly, has appeared and failed in his examination for the first time, should, for the sake of equity and justice, be allowed to appear again as a private examinee without any restriction, just as a plucked schoolboy may appear again in his Matriculation Examination as a private examinee on his payment of the examination fee.

We should never entertain any doubt that if this is allowed colleges would be empty of students gradually, and University colleges would be abolished in some future time. In fact, if such a provision is made in colleges only, the few agriculturist boys who are poor and unable to pay the heavy expenses of a collegiate education, will remain outside the colleges, but the sons of well-to-do people who cannot do without enjoying the amenities of college study, as regular students, shall always attend colleges as at present.

If anyone entertains such a doubt, I tell him to think why the high schools where the students are allowed to appear in examination as private examinees were not empty of students long before.

Sir, if any difficulty arises regarding those plucked college boys who are students of Science course, there cannot be any difficulty in allowing this facility to such college boys who are students of Art courses.

Sir, I can name many persons who have passed all the University examinations in the Art courses by appearing as private examinees. Though I do not like to mention the names of many such persons, yet I cannot resist the temptation of naming one gentleman as example, and he was born of purely agricultural parents. That gentleman is Maulvi Ali Nawaz whom I know from his boyhood. He was a Persian teacher in the Mymensingh Zilla school. Though he was not a very brilliant boy, yet by his diligence and perseverance he has passed Matriculation, I.A., B.A., and M.A. Examinations in Art course. I am sure had there been any other higher examinations in the general Art course in Indian colleges, he would have passed them all.

Sir, the suggestion, if accepted, is calculated to give a great facility to the poor college students of poor agricultural people in these days of economic calamity.

Sir, I remember, I have been tabling a motion to this effect year after year, but to no effect. I do not know what would be the fate of this motion this year too.

But I have not yet lost all confidence in Government, and hence this time again I earnestly appeal to our Hon'ble Minister in charge (I love to call him a tenant Minister, for he is fortunately not an aristocrat) to take a drastic step in this direction and bring an innovation in the department so that he may make his name an object of admiration among the poor agricultural people even after his departure from his dignified office.

With these words, Sir, I move my motion.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I was piteously looking to my friend Mr. Syamaprosad Mookerjee to give me protection, but, unfortunately, he found it difficult to rise up and he is sitting tight with his bulky body. So far as this motion is concerned, I find myself in a considerably difficult position, because——

Mr. SYAMAPROSAD MOOKERJEE: On a point of personal explanation, Sir. There was such a pathetic appeal to the Hon'ble Minister personally in the speech of the mover, that I did not want to rise, otherwise I was going to do so. (Laughter.)

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: That is what I was just going to say. The pathetic appeal of the mover has made my position extremely difficult. I can only say to my friend that he

is sadly mistaken in bringing a motion of this character before the Legislative Council. It is a waste of paper, waste of printing, waste of time, and waste of everything, because we have neither the authority nor the power nor probably the inclination to take up the subject. If we put it to the Senate, it would probably recommend that the matter should be set aside, nor do I think that I have the courage to take up this responsibility. After all, what does my friend want? He wants that plucked college students, without getting readmitted, should be allowed to appear as private examinees at University examinations. What would that amount to in principle? It would then lead to the abolition of colleges and the abolition of Universities, which give the hall-mark of excellence. After all, in the interests of the tenants themselves, it is desirable that the type that should come out of the colleges should be the proper type of students, and, after all, the hall-mark of University examination means something. Does not my friend feel that if he himself is a graduate another man is not, that he himself has put forward efforts and energy, reading at a college, and passes the University examinations, while the other man does not go through the same process and fails to pass his University examinations, will he not feel that there is some distinction between himself and that other man? Unfortunately, a proposition of this character, however much importance it may seem to have from the point of view of tenants, should be looked at from the point of view of education only, and not from that of the tenants. Is it desirable in the interests of education that a thing like this should be encouraged? Personally, I feel that, to allow plucked college students, without getting readmitted, to appear at University examinations, takes away the purpose which these examinations serve. I hope, however, my friend will not misunderstand me. I may say that possibly nowhere in the world is there such a system of allowing plucked students to appear at examinations without some test. After all, the Calcutta University does allow a man to appear at a University examination only if he is a teacher, because he is in touch with education. And if he wants to follow the example of Maulvi Ali Nawaz, whose case has been cited by my friend, he is perfectly entitled to do so and take the degrees. But, surely, a man who has got plucked and has not the requirements which are necessary for the purpose of study and examination, how could it possibly be said that he should be allowed to appear at University examinations without attending any college? So, I think that it would be a great wisdom on the part of my friend, even on the eve of the general elections, to abandon this proposal and take up some other thing by which real, tangible good can be done to the people. After all, I do not think that there are very many people in this House who would support him. What, after all, is the use of fighting for a cause which is not only lost, but will be lost as soon as you are going even to propound

it? It would be better, I think, if, perchance, my friend, when he has got some time, went to the University and tried to persuade Mr. Syamaprosad Mookerjee, and if Mr. Mookerjee recommended to Government that such a step might be taken, I, on behalf of Government, would be quite prepared to consider the matter sympathetically.

Maulvi Abdul Hakim's motion was put and lost.

Mr. S. M. BOSE: I beg to move that the demand of Rs. 11,31,379 under the head "31B—Education (Transferred)—University—Government Arts Colleges—Pay of officers" be reduced by Rs. 100 (additional buildings for Bethune College).

By this motion, Sir, I wish to draw the attention of the House to the fact that certain additional buildings have been acquired for the Bethune College so far back as 8 years, but those buildings still remain vacant and have not been occupied by the girl students. The result is that there is serious over-crowding in the college. I believe I am right in saying that the number of students in the Bethune College has beaten all records, and that there has been such a demand that many students have had to be turned away. Sir, this is the only Government college for girls in Bengal, and I think it is imperative that some steps should be taken to increase its accommodation, and especially as a large building has been acquired, I suggest for the consideration of the Hon'ble Minister that he should find some money at once so that the new building can be utilised.

Mr. P. N. GUHA: Sir, this particular question of remodelling and repairing the building which was acquired many years ago has been engaging the attention of the authorities for a pretty long time. The matter is a very important one and its urgency has been increased a thousand times for the reason, as the previous speaker has said, that the number of students in the Bethune College has beaten all records. The accommodation is very limited, specially for the Boarding. The Government has recently opened a Boarding in a rented house on the other side of the road on the west of the college but the authorities find it very difficult to keep proper control on the boarders living in a house outside the compound. There are dangers and for obvious reasons I am unable to go into details but I presume that the Minister is aware of them. These dangers and inconveniences will not be removed till arrangements are made to accommodate the boarders within the compound. That will be possible only when the building referred to by the mover of the motion is renovated and made in every way fit to live in. A lot of money was spent in acquiring it and it is difficult to realise why it has been allowed to remain vacant for so many years. This is a false economy and I hope and trust that the Hon'ble Minister will at once take the matter up.

Mr. SYAMAPROSAD MOOKERJEE: Sir, the college is inspected by the University every year, and the reports disclose a most unsatisfactory state of affairs so far as accommodation is concerned. We had an interesting debate on women's education to-day; here is a test case, and I hope the Hon'ble Minister will look into it and arrange for proper accommodation for 100 such girls.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I am glad that this matter has been brought up for discussion. I have personally visited the college. I have seen the Christ Church building, and I have come to the conclusion that, as soon as that can possibly be utilised for the purpose for which it has been acquired, it will be of great help not only to the college itself, but also to the academic life of the students. I can assure the House that I have been taking a personal interest in the matter, and that I shall try to expedite it as quickly as possible. Unfortunately, it is not in our hands at present; it has been sent to the Public Works Department, and we are awaiting an estimate of costs from that department. I have already issued a *takid* in the matter, and I assure the House that I shall do everything that lies in my power to do in order to complete the necessary arrangements. In view of this assurance, Sir, I hope my friend will be prepared to withdraw his motion.

The motion was, by leave of the House, withdrawn.

Mr. SYAMAPROSAD MOOKERJEE: I beg to move that the demand of Rs. 2,86,000 under the head "31C—Education—Grants to non-Government Arts Colleges" be reduced by Rs. 100 (inadequacy of the grant to non-Government colleges, specially to urge the restoration of the old non-recurring grant of Rs. 1,29,000).

Sir, there are only three minutes left, and I wish to utilise one of them on this subject. This is a matter which affects the non-Government colleges in the province. Previously, the non-recurring grant was Rs. 1,29,000, and it has been reduced to Rs. 45,000, which is certainly inadequate for meeting the requirements of the non-Government colleges. I know, Sir, that the Minister is sympathetic towards this question, but now is the time for him to show something more than a passive sympathy in the shape of an increased grant to non-Government colleges in Calcutta and also in the mufassal.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, my friend, the Vice-Chancellor, perfectly knows the position. As I explained in connection with a similar motion, we have got two things to look up to in this connection. The first is about the University grant itself, and the second is the amount of grant paid to each college by the University. But I can tell the House also that this is not

the only amount which is given to the colleges; in addition, large sums are paid to the colleges as grants. This is a matter which is being constantly dealt with by the department. At present, it is not an item which comes automatically in the budget. It has to be put in year after year. As soon as our finances permit, however, we propose to take up the matter more fully. At the same time, my friends will find that the demand for primary education at least is such that we have got to adjust the demands of primary education with that for University education. I cannot, therefore, definitely give out any hope that we shall be able to do something. We have found that there are some colleges which are really in need of grants, but unfortunately with a deficit budget we could not do anything. But there is one point to which I wish to draw the attention of the House, and that is with regard to the actual distribution of this grant. I propose to discuss the matter with the Vice-Chancellor as to whether we can make some adjustment as between a college and a college. Even though we are not able to give any additional grants on account of our financial difficulties, we can make a proper readjustment and give more where more is wanted, and less where less is required. The last adjustment was made when the financial condition of all the colleges was bad; to-day there are some which are almost on the brink of difficulties, and I maintain that a grant like this should be utilised as much as possible for their stability; there are others which are much better off and which can manage themselves without our grant.

(At this stage, the time allotted for "31—Education" expired, and the Hon'ble Minister had, therefore, to resume his seat).

The motion was put and lost.

The original demand was put and agreed to.

32—Medical.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 41,33,000 be granted for expenditure under the head "32—Medical."

Sir, the total expenditure under the head "32—Medical" for the year 1936-37 is Rs. 49,92,000 against the current year's revised estimate of Rs. 49,13,000 and the budget estimate of Rs. 50,41,000. The decrease in the revised estimate has been fully explained in the red book and as will be observed the bulk of the decrease except the savings effected by the abolition of certain posts in the Medical College and their substitution by a cheaper agency as well as by changes in the personnel of the staff is more apparent than real.

Sir, I may now be permitted to explain briefly the increase in the demand over the current year's revised estimate. Of this increase which amounts to Rs. 79,000—Rs. 45,000 is under "Grants to hospitals and dispensaries and grants for medical purposes;" about Rs. 8,000 on account of certain new schemes detailed on page 68 of the red book and the residue is due partly to the restoration of the emergency cut, provision for increments in pay to be earned by the officers and their staff in the time-scale of pay as well as owing to the provision for the pay for the whole year of the recruits taken in the latter part of the current year to replenish the Bengal Medical Service cadre.

The increase against the item "Grant to the Albert Victor Leper Hospital" is on account of the subsidy payable under the Albert Victor Leper Hospital Act, 1935, to that institution which has been deprovincialized since 15th August, 1935. This increase is, however, more or less counterbalanced by savings under other heads such as "Pay of establishment, diet, bedding and clothing, etc." for no other provision except the lump subsidy will be necessary after the deprovincialization. It is hoped that the deprovincialization of the institution will encourage public charity so that the hospital may be improved and enlarged to provide for treatment of those numerous lepers for whom accommodation is not available now. A provision of Rs. 13,700 is made to help the Ziagunj Zenana Mission Hospital, Murshidabad, for the extension and improvement of the building. This hospital is doing splendid work in the district and is being run most efficiently. The scheme towards which the above grant will be made is intended to provide further facilities for the relief of sickness and suffering among women. The grant has been approved on condition that an equal amount shall be raised locally and added to the endowment fund of the hospital and this condition has been fulfilled by the Mission authorities.

The annual grant for subsidizing thana and village dispensaries which have been fixed so long at Rs. 1 lakh has been found inadequate. The number of rural dispensaries which have fulfilled the conditions regarding eligibility for the grant is gradually on the increase with the result that new claims could not be met from the sanctioned grant.

Sir, there is ample scope for the expansion of medical relief in the rural areas and this grant has been recognized and appreciated by the rural public as one of the most useful of the grants made by this department. Local officers have reported that but for this grant many rural dispensaries would have had to close down during this economic depression. It has therefore become essentially necessary to increase the grant by at least Rs. 10,000 so that the new village and thana dispensaries which have come into existence may receive assistance from Government towards maintenance. In this connection, Sir, may I be permitted to make a brief reference to the scheme adopted by this Government for establishment of union board dispensaries out of the

grant made by the Government of India for expenditure on schemes of rural uplift. This grant is made towards the capital cost of the building and equipment of each union board type dispensary on the condition that the recurring expenditure involved is definitely assured from local sources. About Rs. 1,59,220 has been allotted up till now for the establishment of 133 union board dispensaries in 23 districts of Bengal. Sir, as I observed last year the popularity of the Medical College group of hospitals had remarkably increased. Naturally this leads to certain increase in expenditure on these hospitals. The tuberculosis and the diphtheria wards specially require improvements. I am glad to say that it has been found possible to arange for undertaking the most urgent improvements and a provision of about Rs. 15,000 has been made in the Civil Works budget for the purpose.

The Eden extension block was completed several years ago, but was lying unoccupied as the original scheme for working it could not be given effect to for want of funds. It has now been decided to make a partial use of the block by opening 10 beds on a paying basis, the balance of the expenditure being met by Government. It is hoped that if the experiment proves a success more beds would be opened in a similar way.

Sir, I may hope to inform the House that the buildings for the Sir John Anderson Casualty Ward and Department have been started and it is expected that this new Casualty and Outpatient Department would be working from the beginning of 1937-38.

The House is aware that the district boards of this presidency had decided to celebrate the year of His late Majesty the King Emperor's Silver Jubilee by making a contribution for the improvement of the Lady Dufferin Hospital and the endowment of an increased number of beds for the better accommodation of patients especially from the *mufassal*. The actual scheme of improvement has been very carefully worked out. It has been agreed that certain beds are named after the district boards and patients from those districts are to be given preference to these beds. The new ward will be named after Her Excellency Lady Willingdon with her permission. As His Excellency the Governor observed the new wards and the beds in them will constitute a truly national memorial to loyalty and co-operation in the relief of suffering.

The teaching institutions under the Medical Department continue to be maintained efficiently. The schools in the *mufassal* districts are, however, more or less handicapped for lack of fully staffed and equipped hospitals. These hospitals are mainly the concern of local bodies along with other Sadar hospitals. The question of improvement of these hospitals was considered and a scheme of divisional hospitals was formulated. Under this scheme district boards in the division, the municipalities immediately interested as well as other interests concerned were

to be called upon to provide funds for improvement as well as maintenance. This scheme was launched in Jalpaiguri with remarkable success. District boards in the Division have found the whole of the non-recurring expenses amounting to Rs. 1,28,000 by means of a loan which has been advanced by Government. These boards have further agreed to make recurring contributions towards the maintenance of the municipal hospital proportionate to their cess income. The tea interests, European and Indian, have likewise undertaken to make recurring grants on acreage basis. The Bengal Duars Railway have agreed to pay their quota. The result of these co-ordinated efforts is that it has now been rendered possible to have a first-class modern well-equipped hospital at the headquarters of the Division to provide adequate clinical training for the students as well as facilities for specialized and improved treatment of patients in the Division. Such a scheme is already partly in force in Chittagong and efforts are now being made to improve the hospital further from increased contributions from the district boards in that Division. A similar proposal is under consideration as regards the Fraser Hospital in Burdwan.

In conclusion it is hoped that in financial adjustment that is coming the claims of this province will receive an adequate consideration so that increased facilities may be afforded to the medical activities of Bengal which are admittedly behind those of most other provinces.

Motion for reduction.

Maulvi TAMIZUDDIN KHAN: Sir, I beg to move that the demand of Rs. 58,000 under the head "32A—Medical establishment—Superintendence" be reduced by Rs. 100 (manufacture of drugs).

Sir, time was when the Bengal Chemical Works, of which we are all proud, was the only pharmaceutical works in India, but we now find that such chemical works are growing up by leaps and bounds and any number of such laboratories are to be found in various parts of the country. That is certainly a very good sign and that shows that the country is making rapid progress so far as the question of manufacture of drugs is concerned, but along with this another pertinent question comes up. Government have so far done nothing whatsoever as regards the question of control over the manufacture of drugs. The question may be raised—Why should there be any control over the manufacture of drugs? Control is necessary for the simple reason that the adulteration of drugs has come to such a stage as to jeopardise the health of the community; unless some sort of control is exercised over such manufacture and also over the importation of adulterated drugs from abroad, things will go from bad to worse. I think in all countries there is some sort of control over the manufacture of drugs. If Government is solicitous about the health of the community, I think this question should engage the attention of Government without any

further delay. Government are always afraid of taking any serious step regarding all these things for their proverbial want of funds. I think all that it will be necessary for Government to do will be the establishment of a suitable laboratory where drugs can be examined. That would, of course, be an essential and some amount of money will be necessary for it. I think the matter is of such urgency that Government should not grudge to set aside a certain sum for this laudable purpose. The standardisation of drugs is a thing that has not been thought of in this country hitherto, but if medical men are consulted, they will all unanimously say that without proper standardisation of drugs no country can actually develop so far as its hygienic side is concerned. I am sorry that none of my doctor friends in this House are present just now. Rai Bahadur Dr. Haridhan Dutt is particularly interested in this matter, and he has got a similar motion later on, but unfortunately that motion will not probably come up and he is not present just now. I think, however, that this is a matter which we can easily realise from a common-sense point of view and I think everybody is convinced that some sort of control is necessary. I never suggest that the control should be of a character as to put a check to the manufacture of indigenous drugs, but why should not there be control to check adulteration and the importation of adulterated drugs from abroad? That is a very simple question, and I think Government will take some active steps in the matter.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: This is a subject with which I am in entire sympathy, but the matter lies with the Government of India, and so far as my information goes the matter is under the consideration of the Government of India. As regards imported drugs, it is difficult for a provincial Government to control them. Drugs are prepared in Calcutta and in other places in the province at recognised laboratories and the Excise Department occasionally inspects the laboratories just to check the work that is being done and to prevent the preparation of spurious drugs. The matter is under the consideration of the Government of India, and it is not possible for a provincial Government to take steps in the matter and to prevent the import of drugs from foreign countries or from other provinces in India. The matter must necessarily lie with the Government of India. With these few words I oppose the motion.

Maulvi TAMIZUDDIN KHAN: Sir, I beg leave to withdraw my motion.

The motion was then, by leave of the House, withdrawn.

Maulvi TAMIZUDDIN KHAN: I beg to move that the demand of Rs. 58,000 under the head "32A—Medical establishment—Superintendence" be reduced by Rs. 100 (desirability of encouraging indegenous medical systems).

Sir, I have already said in connection with my previous motion that if a nation is to be really great, there must be an all-round development in the various aspects of its life. The Department of Medicine is certainly one of the most important departments in the administration of a country. So far as this is concerned, we all know that the dominant system in India is the allopathic system. I am not one of those who disparage the allopathic system *in toto*. There are people who think that so far as the allopathic system is concerned more people are killed than cured by it. One of my friends says that they are perfectly right, but whether they are right or wrong very few on the floor of the House will agree with him. My grievance is not just that, but my grievance is that indigenous systems are not given proper encouragement by our Government. If you look to the number of dispensaries in the districts you will find that there are as many as 1,266 allopathic dispensaries and 65 homœopathic dispensaries; as against these there are only 11 ayurvedic and 4 unani dispensaries. I do not mean that the number of allopathic dispensaries is too many. There is scope for the increment of allopathic dispensaries as well, but all that I say is that proper encouragement should be given also to indigenous systems of medicine. There may be countries without any past, without any previous civilisation, but so far as India is concerned, it has had a definite and a glorious past, and India at present can now boast of two great civilisations—the great Indian civilisation and the Islamic civilisation—and in the field of medicine both the Indian and the unani systems have contributed a great deal. Therefore, if India is the inheritor of these famous systems of medicine, I do not see why our present Government should neglect these systems altogether. In fact, the allopathic system which is now in vogue is nothing but a cousin of these two systems. The allopathic system has of course its own utility; its great merit is that it is going on developing; those who are its votaries are leaving no stone unturned to promote its expansion and to make new inventions and to carry it on the path of progress along with the progress of the world. But unfortunately so far as the ayurvedic and unani systems are concerned, there are no longer the old *Rishis* living in India and no longer there are unani savants of the old type living anywhere in the world. Therefore, there is a setback to the progress of these systems, and I think for thousands of years nothing has been done to add to the utility of these systems. That is no doubt a great drawback and that is also the reason why we should try to develop these systems. Nothing has been done hitherto to encourage these systems. I, therefore, think that it is time that we should gradually give as much encouragement as possible to these systems. There is a volume of opinion which prefers the indigenous systems to any foreign system. They think that these systems are more suited to our constitution and temperament than foreign systems. Moreover, so far as the question of cost is concerned, the indigenous systems offer a more cheaper

form of treatment to the poor people than the allopathic system. Government are no doubt trying for an all-round progress in the treatment of diseases in this country, but I think that the task is so great that Government have not been able hitherto even to touch the fringe of the problem. If actually all the poor sufferers of the country have to be given medical aid, we have to think out some cheap system of treatment. We cannot visualise a time when Indian masses will be sufficiently rich to avail themselves of the costly system of medicine that is in vogue in this country. There must be a large number of people who would go without treatment, unless something is done at once to encourage these indigenous systems which are not only suited to their constitution but which offer many other facilities to the poor. The hon'ble members of the House will certainly remember that so far as these indigenous systems are concerned, there is one mode of treatment which was in vogue in the past and which is still in vogue to some extent that requires no expense on the part of the poor sufferers—I mean the *mustijoga* mode of treatment. I think people are gradually forgetting it and are resorting to the new system. Those who actually know cannot but testify to the efficacy of this mode of treatment. At present we pay more attention to mechanism than to the old art of treatment; I am referring particularly to the art of feeling the pulse. India is proud of her old physicians who were experts in this art, but now the thermometer has taken its place. The thermometer is nothing but a mechanism and to my mind in spite of its usefulness, it can never be a proper substitute for the human hand that could diagnose a disease by feeling the pulse. If these systems are revived, I have no doubt that India will regain her old glory. I do not say that the Government ought to be censured for its attitude, but all that I say is that Government ought to pay more attention to these indigenous systems. Not only can Government encourage the establishment of more indigenous dispensaries, but can also encourage the development of these systems in various other ways.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, as my motion No. 594 is covered by this motion, I would rather speak on this motion in order to save the time of the Council. This is not a new question before the House so far as the particular system which I want to touch upon by my motion, that is, the ayurvedic system is concerned. Apart from the general remarks which my friend Maulvi Tamizuddin Khan has made, I want to submit that this question of encouragement of the ayurvedic system was raised in this House very often, and at some stage it was on the point of materialising in the shape of some legislative measure and Government assured us that they would pay their attention to the encouragement of this system of treatment.

Though at present it is the allopathic system of treatment which holds the field, it is well known that there are some diseases which still defy the allopathic system of treatment but which yield readily to the kabiraji system of treatment; and there is still large practice enjoyed by the eminent kabirajes in this city and other places of the country. So far as the rural areas are concerned, we have not yet such a number of allopathic doctors as can minister to the wants of the teeming millions of this province, and it will take probably a very long time before we are in the same happy position as are the other advanced countries in the matter of medical relief. Under this state of things, the indigenous medicines are doing good work in the way of giving relief to the needy and the poor. Before the allopathic system of treatment was introduced in this country, it was well known that very effective treatment used to be conducted according to the indigenous systems, particularly the kabiraji system. The kabirajes of that time used to be called *dhannantaris*, because they were regarded as men endowed with divine power of healing. That shows that the potentialities of this system are great, and by the patronage of Government the system can yet be restored to its former glory. We know that the Hon'ble Minister is taking very great interest in the subject of medical relief and education and he is sparing no efforts to bring medical education to a proper level of perfection and we also know that the question of Government patronage of kabiraji system is receiving his earnest consideration, but in this matter we want that no further time should be lost in discussion only. Unless help be forthcoming from Government, this system of treatment will disappear from the land altogether to the great loss of the people. There are two directions in which Government action is wanted—first, there ought to be recognition by Government of this system of treatment, *i.e.*, there ought to be a faculty of ayurvedic medicine just as there is the faculty of allopathic medicine, and, secondly, there ought to be an effort made to set the licentiates under the faculty on their legs by providing them with employments under the district boards, and the Government, by starting ayurvedic dispensaries wherever possible and wherever dispensaries are necessary. If Government proceed on these two lines, I am sure that in a very short period of time this system of treatment existing side by side with the allopathic system of treatment will remove the long-felt want of the people in the matter of medical treatment in the widest sense. The ayurvedic system will supplement the allopathic system where the latter system has not yet succeeded, but in which the ayurvedic system has succeeded. There are certain portions of the field of medical treatment where the indigenous system still holds the field. It is, therefore, extremely necessary that Government should take up this matter in all seriousness and no time should be lost to see that before this system completely dies out it may be given a fresh start to the relief of suffering humanity.

Mr. H. S. SUHRAWARDY: Sir, I am rather curious to know in what practical form the Hon'ble Minister will express that sympathy which he undoubtedly feels towards this resolution as he feels towards all those resolutions that are to be discussed on the floor of this House. There is no State religion so far as I know, but there is a State system of medicine and that happens to be the allopathic system. The votaries of the allopathic system are absolutely intolerant. Other systems of medicine, such as the homœopathic or biochemic or hakimy or ayurvedic systems, are not worthy of consideration and according to them are promoted by quacks, whereas the allopathic system of medicine is based on a sound scientific system. Many of us feel that if one-tenth or one-hundredth of the encouragement which is given to the allopathic system is bestowed on those systems which are indigenous, they will flourish with more utility than the allopathic system. It is the allopathic system which has been encouraged for years by the combined effort of the European nations. This country might endeavour to encourage its own indigenous systems in some slight way. We are certain that if we did so, it would meet the needs and requirements of a poor country like India far more than the allopathic system does. So far as surgery is concerned, no doubt the allopathic system has proved successful. It is able to cut a limb with a greater degree of precision and celerity than the other systems, but, apart from that, it has to take a back seat; when we are afflicted with any disease which is out of the way, the allopathic system fails and we wander towards other systems, known as unscientific systems, for relief. We understand that some eminent doctors of the Tropical School of Medicine recognizing the importance of these indigenous systems are trying to ascertain the value of the drugs which these systems employ and to be able to get the essence—the bases—of these drugs, so that they may be utilized in the allopathic system. We trust that their efforts are being recognized by Government and that soon they will find a place in the Allopathic Pharmacopœia. Apart from this, we hope that this Government will give their recognition to some unani and ayurvedic schools where we can try and recapture some of our lost knowledge. Sir, a distinguished ex-member of this Council and a medical man—I mean Sir Hassan Suhrawardy—some years ago presided over a committee for the encouragement of ayurvedic and unani systems of medicine. I understand that the recommendations of that committee are a dead letter—dead letter, I think, not on account of the paucity of funds in the hands of Government, but because they have not received the sympathy which they deserve.

Dr. AMULYA RATAN GHOSE: Sir, regarding this motion, I think no Indian will be against the objects of the mover—be he a doctor or a lawyer—and, although Mr. Suhrawardy suspects that allopathic doctors think that their system is the only system which can relieve

suffering humanity or a system which is entirely based upon science and that no other system is scientific or is equal to that, I do not think he is right. I do not know from where Mr. Suhrawardy has gathered this idea. As far as I know, the allopathic doctors in Bengal have contributed inestimable help for the growth of the ayurvedic system, and they also believe that in the ayurvedic system there is much which cannot be found in the allopathic system of medicine. If the allopathic doctors had felt like that, they would not have felt the necessity of research associations, research laboratories, and many other research institutions. They feel its insufficiency, and that is why they are still after gaining more and more knowledge. In the same way, if the ayurvedic practitioners—I mean the kavirajes—and the unani hakims had followed that principle of research, then I think that these two systems would develop to a much greater extent than they have developed now. The most difficult point with regard to the unani system, however, is this, that this system has no good institutions here in India, or, if there are any, they are so few in number that they do not——

Mr. DEPUTY PRESIDENT: Order, order. I must now adjourn the House for prayer. We shall hear you, Dr. Ghose, afterwards.

(The Council was then adjourned for fifteen minutes.)

(After Adjournment.)

Dr. AMULYA RATAN GHOSE: Sir, there are unani institutions which teach the unani system of medicine. There are also ayurvedic institutions which teach the ayurvedic system of medicine. It is a fact that they have up till now got not much encouragement from the Government either in the shape of capital grants or in the shape of recurring grants, and, therefore, for them to prosper as much as the allopathic institutions is really very difficult. We all understand that, and I think that the Government ought to see to this that these systems of medicines do prosper and with the help of the allopathic system of medicine and the allopathic science much development can be effected in these two systems of medicine. If these two systems of medicine remain absolutely orthodox, then I do not think that they will prosper so much as allopathy has done, because the allopathic system has taken over other systems of medicine into its category for treatment such as, they are taking "Chalmoogra" for the treatment of leprosy, and "Neem" for the purpose of treating several ailments. In this way they have taken several ayurvedic principles. Allopathic doctors have taken unani and also ayurvedic systems. It is absolutely a misleading fact to say that allopathic doctors are too much intolerant of others in their own fields. They are very considerate and always follow a rational system of treatment. Perhaps, Mr. Suhrawardy——

Mr. DEPUTY PRESIDENT: Please speak to the motion.

Dr. AMULYA RATAN GHOSE: I only want to say that the allopathic doctors are not unsympathetic towards others. Some allopathic doctors actually practise in ayurvedic medicines. As you know, Kaviraj Gananath Sen who is an L.M.S., of the Calcutta University and the late Kaviraj Jamini Bhusan Ray, an M.B. of the Calcutta University, used to practise as kavirajes, although they were allopathic doctors. Allopathic doctors are very tolerant. As regards the unani doctors, I do not know whether they are at all generally available. However, Sir, I support the motion and I say that there is an extreme necessity of encouragement from the Government and the public.

Mr. K. C. RAY CHOWDHURY: Sir, I have heard with interest the speeches delivered by the advocates of different indigenous systems of medicine, but I still remain unconvinced about the scientific basis on which they are based. From my experience in the Calcutta Corporation I know that while the Corporation was making grants to the medical schools of different systems, it was found that very few unani institutions came forward for the grant. As a matter of fact, the Muhammadan members and some others who were interested in the matter were very anxious to help the unani institutions with monetary grants, but unfortunately with the exception of one or two, there was practically no demand from the unani institutions for the grant. In fact, if you go to Colootola you will find that most of the Muhammadan merchants are dealing in allopathic medicines which shows that there is very little demand for hakimi medicines. Therefore, to ask the State to come forward in the matter where the Corporation have failed is something which I cannot understand. In Native States like Hyderabad, Bhopal and Rampur under Moslem rulers no special encouragement has been given to unani system and allopathic doctors are in great demand there.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Mr. Suhrawardy has very rightly described that my sympathies are with the resolution before the House. The sympathy is not merely tacit, but is very active. The House may remember that in 1921 the Ministry of Sir Surendra Nath Banerji appointed a committee to go into the whole question and which met several times and made certain recommendations. They suggested that a State Ayurvedic Faculty should be established for recognition of ayurvedic practitioners and registration of them and for conducting examination and settling of curriculum; but as there was no demand for the unani system no steps were taken towards the recognition of this system. As soon as I came into office I called a

conference of all the eminent kavirajes of Calcutta and drew up a scheme with the help of Sir Jadu Nath Sircar and Mahamahopadhya Gananath Sen. The committee sat for two days and discussed at length the proposals before them. Now the first step towards giving any encouragement to the ayurvedic or unani system is the establishment of the State Faculty for registration of medical practitioners. Unless a system has a proper curriculum for the training of students and a proper method of conducting examinations, Government cannot recognise the system, and it is not expected to do any good to the province. The scheme for the establishment of a State Ayurvedic Faculty is under the consideration of Government, and they hope to come to a decision on this matter very soon. I may inform the House that Government could not take up the matter more seriously, as the establishment of a Faculty would entail certain expenditure which they were not prepared to find in their present financial state. Some generous persons, however, have come forward with contributions which of course are not sufficient to enable Government to establish the Faculty immediately, but as I have said the matter is under consideration of Government and certain executive orders and rules for establishing the Ayurvedic Faculty may be published in the near future. So I think the hon'ble mover of the motion is convinced that Government are not at all indifferent in their attitude towards this matter. But I do not admit that a properly scientific system, either unani or ayurvedic, is going to be in any way cheaper than the allopathic system as the hon'ble member seems to think, because if these systems are to cope with the requirements of modern times, they must be progressive systems and not remain old and stagnant as they are now; they must adapt themselves to the changing circumstances of the present days and probably have to borrow certain new systems of treatment, specially surgical treatment, from the allopathic system. So that is not going to make the treatment cheap as the hon'ble mover and some of his supporters seem to think. The systems may continue to be cheap so long as they are conducted by quacks, but if they are going to be based on scientific lines of treatment by properly qualified kabirajes and hakims and if they are going to administer properly prepared medicines according to the rules of the ayurvedic and unani systems, they cannot be very cheap. So the matter is now under consideration of Government, and they hope to come to a decision at least in respect of the ayurvedic system before long.

The motion of Maulvi Tamizuddin Khan was, then, put and lost.

Kazi EMDADUL HOQUE: I beg to move that the demand of Rs. 5,30,000 under the head "32A—Medical establishment" be reduced by Rs. 100 (non-recognition of ayurvedic, hakimi, homœopathy and other chief forms of remedies).

At the outset I must say that I am greatly astonished to hear from my friend Mr. K. C. Ray Chowdhury that the ayurvedic, hakimi and the homœopathic systems are not scientific——

Mr. K. C. RAY CHOWDHURY: I said that the hakimi system only is not scientific.

Kazi EMDADUL HOQUE: In that case I stand corrected, Sir. But may I ask him whether he has any idea of the hakimi system of treatment? May I ask him whether he has ever gone through its pharmacœpia? Has he ever gone through the materia medica of that system? I go further, and ask, has he ever read or heard what it is? I say, Sir, that this and the other systems named by me are all based on science. I say, further, that the allopathic system is crude, while the homœopathic system which makes one and only one prescription for a patient is more scientific. Without having any knowledge of all the systems of treatment, it is very easy to criticise them on the floor of this House. Without, therefore, going into that question further, I ask whether Government is not responsible for the health of the people of this country. If they are responsible, may I also ask what has this Government done during the last 179 years of their rule——

Adjournment.

The Council was then adjourned till 3 p.m. on Wednesday, the 25th March, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 25th March, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja SIR MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 83 nominated and elected members.

Oath or affirmation.

The following member made an oath or affirmation of his allegiance to the Crown:—

Rai Bahadur G. C. Sen.

STARRED QUESTIONS

(to which oral answers were given)

Destruction of paddy in Sundarbans by flood water.

*66. **Mr. P. BANERJI:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that the "*lotdars*" had failed to maintain the boundary embankments in lot Nos. 2, 3, 6, 7 and 8 in the Sundarbans under the Kagdwip police-station in the Diamond Harbour subdivision;

(*ii*) that as a consequence an area of about 16 square miles, was overflooded by tidal waves in the month of August last causing total destruction of paddy plants last year?

(*iii*) that heavy damage to the crops in the area is being caused for the last 4 or 5 years for the same reason;

(*iv*) that several petitions were made to the Subdivisional Officer, Diamond Harbour, and the District Magistrate, 24-Parganas,

for taking necessary steps to give relief to the tenants by compelling the *lotdars* to reconstruct the bund immediately and to maintain the same properly in future and to pay the tenants' compensation in the form of remission of rents; and

(*v*) that in spite of Subdivisional Officer's orders the *lotdars* on various pretexts are avoiding responsibility in the matter?

(*b*) If the answers to (*a*) are in the affirmative, are the Government considering the desirability of taking the necessary steps to prevent the recurrence of such havocs in future and to save the poor tenants from ruination?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) (*i*) In lot Nos. 3, 6 and 7 the *lotdars* have not properly maintained the embankments. In lot No. 2 the embankment is maintained though not adequately. Government have no information about lot No. 8.

(*ii*) An area of about 20,000 *bighas* in lot Nos. 2, 3, 6 and 7 was flooded by tidal water in August last.

(*iii*) The damage to crops during the current year was exceptional. In previous years it has not been so serious.

(*iv*) Yes.

(*v*) The *lotdars* have not yet undertaken to maintain the embankments and some of them have contended that under the terms of their agreements with the *chakdars*, the latter are responsible for the proper upkeep of the embankments.

(*b*) The matter is under consideration.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state who are responsible for keeping up these embankments?

The Hon'ble Sir BROJENDRA LAL MITTER: That is a legal question, Sir.

Irrigation of dry lands for better outturn of paddy.

***67. Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether the Government keep any accounts of the quantity of paddy crop that is produced in Bengal each year?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing separately, district by district, the quantity (approximately) of *aman* paddy grown in Bengal in the calendar years 1933, 1934 and 1935?

(*c*) Is the Hon'ble Minister aware—

(*i*) that the production of this *aman* paddy in dry lands, depends largely on a good shower of rain at the time when ears of paddy plants come out in the month of *Kartick*;

(*ii*) that approximately three-fourths of the total area of *aman* paddy lands in Bengal are high and dry lands in which *aman* paddy is damaged for want of a good shower of rain in the said month;

(*iii*) that there was no rain throughout Bengal in the month of *Kartick* this year; and

(*iv*) that consequently half the quantity of paddy more or less has grown in the province this year?

(*d*) Will the Hon'ble Minister be pleased to state whether lesser production of paddy crop in most parts of Bengal is due to the lack of proper irrigation, or for any other reason?

MINISTER in charge of ACRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Sir Mohiuddin Faroqui, of Ratanpur): (*a*) Yes. The member is referred to the forecasts on the winter rice crop published thrice per annum and also to the Season and Crop Report of Bengal published annually by the Director of Agriculture, copies of which are laid on the Library table.

(*b*) The information is not available and cannot be obtained without considerable labour and expense which Government are not prepared to undertake.

A statement, however, is laid on the table showing the total estimated outturn of rice for the whole province for the years 1933-34 to 1935-36.

(*c*) (*i*) and (*iii*) Yes.

(*ii*) No.

(*iv*) The outturn of winter paddy for the year 1935-36 is estimated at 68 per cent. of the normal as against 85 per cent. of the normal for the previous year.

(*d*) A better outturn would be possible if better facilities for irrigation existed everywhere.

Statement referred to in the reply to clause (b) of starred question No. 67, showing the total estimated outturn of rice for the whole province for the years 1933-34 to 1935-36.

Year.		Outturn (Tons).
1933-34	..	6,225,700
1934-35	..	6,221,800
1935-36	..	5,003,400

Babu SATISH CHANDRA RAY CHOWDHURY: Has the Government taken any steps in order to introduce better facilities in those parts which suffered for want of proper irrigation?

The Hon'ble Sir MOHIUDDIN FAROQUI, of Ratanpur: I think the Member in charge of Irrigation has said on various occasions what steps have been taken.

Maulvi SYED MAJID BAKSH: Is it not a fact that the Government, while compiling the report, received reports from the District Officers, district by district?

The Hon'ble Sir MOHIUDDIN FAROQUI, of Ratanpur: I want notice of that question.

Apprehended scarcity of water in Bankura.

***68. Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that there were scanty monsoons this year;

(*ii*) that the tanks and *bunds* of the Bankura district are the principal source of supply of water for drinking, bathing and washing;

(*iii*) that those tanks and *bunds* were not properly filled;

(*iv*) that paucity of water is already felt in some places; and

(*v*) that it is apprehended that during the next five or six months there will be a distressing want of water?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, are being taken to meet the situation?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) The rainfall was deficient this year.

(*ii*) to (*iv*) Yes.

(*v*) It is apprehended that there will be want of water in some places during the summer if there is no heavy shower in the meantime.

(*b*) Rs. 5,400 has been allotted out of the Government of India's grant for rural uplift for sinking a number of masonry wells in the district, and steps are being taken to allot, as early as possible, the share which the district will receive out of the annual Government grant for rural water-supply for 1936-37. The District Board is also arranging to take up early in 1936-37 water-supply projects for which budget provision has been made in that year. And in addition, although this may not give immediate relief, the re-excavation of tanks will, wherever possible, be taken up as test relief works. In the meantime the Union Boards have been instructed by the local officers to sink temporary wells with the help of the villagers. Where the Union Boards require financial help, assistance will be given from funds available for the relief of distress.

Steamer station Kunia in Faridpur.

*69. **Rai Bahadur AKSHOY KUMAR SEN:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state—

(*i*) why the steamer station at Kunia within the district of Faridpur has been abolished by the Joint Steamer Companies (River Steam Navigation and India General Navigation);

(*ii*) whether it is a fact that the said station was managed by a *ghat sarkar* only with a monthly pay of Rs. 8 to Rs. 10?

(*b*) Are the Government considering the desirability of urging upon the companies to re-open the said station?

(*c*) Is the Hon'ble Member aware that the said station is urgently needed by the local public?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) (*i*) The station was unremunerative.

(*ii*) The pay of the *ghat sarkar* was only Rs. 7-12 per mensem, but there were other expenses including the maintenance of a *ghat* boat.

(*b*) No.

(*c*) No. The District Officer reports that the public has not been seriously inconvenienced by the closing of this station.

Damage of crop in Sundarbans area due to inundation.

*70. **Mr. P. BANERJI:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that an area covering about 15 miles in lots Nos. 6, 7, 3 and 2 of the Sundarbans in the Kagdwip police-station of the

Diamond Harbour subdivision was twice inundated with salt water from the Creek Channel and the Hooghly river in August last;

(*ii*) that there are no proper boundary embankments in the said lots for the last two years; and

(*iii*) that the inundation caused wholesale destruction of paddy plants of the said areas?

(*b*) If the inundation is not due to the absence of proper boundary embankments, will the Hon'ble Member be pleased to state what proportion the average yield of the said areas this year bears to that of the surrounding lots?

(*c*) Is it a fact that the *lotdars* of the said lots are responsible for the construction and maintenance of the boundary embankments of the said lots?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Member be pleased to state who is responsible?

(*e*) What arrangements are there for the protection of the lands of the cultivators from the ingress of the salt water of the rivers?

(*f*) Is the Hon'ble Member aware that the tenants of the said lots made petitions to the Subdivisional Officer of Diamond Harbour and the District Magistrate of the 24-Parganas for adequate relief in the matter?

(*g*) If the answer to (*f*) is in the affirmative, what action have the Government taken in the matter?

(*h*) Is the Hon'ble Member aware that the said lands are likely to be inundated again in April next on the advent of the south-western monsoon?

(*i*) What steps, if any, do the Government propose to take to compensate the cultivators of the said lots for the loss of their crops?

(*j*) Are the Government considering the desirability of urging upon the said *lotdars* to grant full remission of the rent of the tenants for this year?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) and (*ii*) Yes.

(*iii*) There was no wholesale destruction of paddy plants, but considerable damage was caused.

(*b*) Does not arise.

(*c*) The moral responsibility lies with the *lotdars*, but there is no clause in the leases on which the lots mentioned are held, by which

Government can enforce the construction or maintenance during the current settlement.

(*d*) Under the terms of their leases *chakdars* who hold under the *lotdars* are usually liable to maintain the embankments.

(*e*) The member is referred to the answer given to clause (*a*) (*v*) of starred question No. 66.

(*f*) Yes.

(*g*) and (*j*) The matter is under consideration.

(*h*) Such inundation is possible.

(*i*) The cultivators are not entitled to any compensation from Government.

Babu JITENDRALAL BANNERJEE: With reference to answers (*c*) and (*d*), will the Hon'ble Member be pleased to state what is the Government's responsibility in the matter?

The Hon'ble Sir BROJENDRA LAL MITTER: No responsibility, Sir.

Babu JITENDRALAL BANNERJEE: Not even for the purpose of enforcing *chakdars* to do their duty?

The Hon'ble Sir BROJENDRA LAL MITTER: Government have no means to enforce the *chakdars* or anybody to do their duty in this matter.

Maulvi SYED MAJID BAKSH: What arrangement Government intend making to ensure the collection of revenue in this respect if paddy is destroyed?

The Hon'ble Sir BROJENDRA LAL MITTER: This question has been answered before; the whole thing is under consideration.

Stipends for the Muslim Female Training School in Calcutta.

***71. Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that there are two Government Female Junior Vernacular Training Schools in Calcutta, one for Hindus and the other for Muslims?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether it is a fact that the Hindu Female

Training School has got 26 stipends whereas the Muslim Female Training School has got only 15 stipends?

(c) Will the Hon'ble Minister be pleased to state whether it is a fact that the Head Mistress of the Muslim Female Training School has been moving the Government for more stipends and teachers for the last five years?

(d) If so, will the Hon'ble Minister be pleased to state what action has been taken by the Government on the representation of the Head Mistress?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (a) and (b) Yes.

(c) The Inspectress of Schools, Presidency and Burdwan Divisions, has very recently submitted proposals for the creation of 11 additional stipends.

(d) The proposal of the Inspectress of Schools is being considered by the Director of Public Instruction.

Maulvi SYED MAJID BAKSH: With reference to answer (d), will the Hon'ble Minister be pleased to state when is that proposal likely to be decided?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I think my friend has sufficient experience of the Legislative Council and of Government and he ought to know it.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Minister be pleased to state how many Hindu female training schools there are in existence and how many Muslim training schools?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I want notice of that, Sir.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Minister be pleased to state how many Hindu female training students and how many Muhammadan such students there are?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I do not carry the information in my pocket. I want notice.

Pay of the clerk of the Muslim Female Training School.

***72. Maulvi NUR RAHMAN KHAN EUSUFJI:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to

state whether it is a fact that the scale of pay of the clerk of the Muslim Female Training School is lower than that of the clerk in the Hindu Female Training School?

(*b*) If so, why is there this differential treatment in respect of their pay?

(*c*) Is the Hon'ble Minister considering the case of the clerk of the Muslim Female Training School with a view to bring his scale of pay to the same standard as that of the clerk of the Hindu Female Training School?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) Yes.

(*b*) At the time the pay was fixed the duties of the post were not onerous.

(*c*) The matter will be considered by Government on its merits.

Management of the hostel attached to the Muslim Female Training School.

***73. Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that an assistant teacher has been placed in charge of the hostel attached to the Muslim Female Training School, under whose superintendentship the management of the hostel is reported to be not at all satisfactory?

(*b*) If so, will the Hon'ble Minister be pleased to say whether he is considering the desirability of arranging for the better management of the hostel by immediately directing the Head Mistress of the said institution to reside inside the hostel premises and supervising the affairs of the hostel?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) Miss T. Das, B.A., B.T., Assistant Mistress of the Training Department of the Muslim Female Training School, has been supervising the hostel since 1st July, 1933, but no complaint against her management has been received by the local controlling officer.

(*b*) The question does not arise.

Education of Moslem girls in Calcutta.

***74. Maulvi ABUL QUASEM:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing the number of aided and non-aided high and middle English schools for the education of Muslim girls in Calcutta?

(*b*) Is it a fact that the progress of the Muhammadan Anglo-Oriental Girls' School, founded by Mrs. Hakam, has been hampered for inadequate financial provisions?

(*c*) If the answer to (*b*) is in the affirmative, what steps do the Government propose to take to help this deserving institution?

(*d*) Will the Hon'ble Minister be pleased to state whether it is in the contemplation of the Government to start more girls' schools for the spread of education amongst Muslim girls in Calcutta?

(*e*) Are the Government considering the desirability of inquiring into the financial condition of the Muhammadan Anglo-Oriental Girls' School for the purpose of sanctioning a grant-in-aid to that institution?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) A statement is laid on the table.

(*b*), (*c*) and (*e*) Government are not aware of the financial position of this institution, but an application for a grant-in-aid has recently been received and is under consideration.

(*d*) No.

Statement referred to in the reply to clause (a) of starred question No. 74, showing the number of aided and non-aided high and middle English schools for the education of Muslim girls in Calcutta.

1.	Number of aided high schools for Muslim girls in Calcutta ..	Nil.*
2.	Number of aided middle English schools for Muslim girls in Calcutta	1
3.	Number of unaided high schools for Muslim girls in Calcutta	Nil.
4.	Number of unaided middle English schools for Muslim girls in Calcutta with extension classes	1

*The only aided high English school for Muslim girls has been provincialised from 2nd January, 1936.

Mr. S. M. BOSE: With reference to question (*d*), is the Hon'ble Minister aware that there are several schools in Calcutta which will welcome Muhammadan girls?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: The object of the constitution of a purely Muslim girls' school is to meet the special needs of Muhammadan girls which cannot be had in any other school. It is in order to meet the particular needs of the Muhammadan girls that it is intended to have a separate school.

Defence witnesses in the courts of sessions in the Dacca Division.

*75. **Maulvi TAMIZUDDIN KHAN:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing, district by district, for the Dacca Division and for the year 1933-34—

(*i*) the total number of defence witnesses who were summoned to attend and attended courts of sessions;

(*ii*) how many of such witnesses who attended such courts, were not examined; and

(*iii*) how many of such witnesses who were not examined, were paid any allowances for their attendance?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): A statement is laid on the table.

Statement referred to in the reply to starred question No. 75, showing the number of defence witnesses in the courts of sessions in the Dacca Division during 1933-34.

	(*a*) Number of defence witnesses summoned.	(*b*) Number not examined.	Number of (*b*) to whom travelling allowance paid.
Dacca ..	549	523	286
Mymensingh ..	1,215	1,105	447
Bakarganj ..	1,188	1,025	440
Faridpur ..	708	669	434

Maulvi TAMIZUDDIN KHAN: Is the Hon'ble Member aware that a large number of the witnesses who were not allowed any allowances are extremely poor men and underwent a great deal of hardship not being allowed any allowance?

The Hon'ble Sir BROJENDRA LAL MITTER: I am not aware of that, but I can infer from the figures that it is scandulous that a large number of witnesses had been summoned the majority of whom were not examined at all.

Maulvi TAMIZUDDIN KHAN: Is it not a fact that if witnesses who are summoned to attend as defence witnesses in sessions cases, fail to attend the court in obedience to summons, they will be liable to prosecution?

The Hon'ble Sir BROJENDRA LAL MITTER: That is a matter of law.

Maulvi TAMIZUDDIN KHAN: Does not the Hon'ble Member consider that in justice arrangement should be made for giving allowance to witnesses who attend court in obedience to summons issued by the court?

The Hon'ble Sir BROJENDRA LAL MITTER: There is no reason to think that the practice is otherwise.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state on what principle allowances are granted to the witnesses summoned?

The Hon'ble Sir BROJENDRA LAL MITTER: I ask for notice, Sir. I do not know if there is any great fundamental principle involved. The witnesses are summoned and if they attend, they are paid allowances.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state if it is not a fact that the committing courts on examination of the list are required to be satisfied regarding the summoning of witnesses and they can refuse to hear if they are unnecessarily summoned?

The Hon'ble Sir BROJENDRA LAL MITTER: I am quite prepared to accept that.

Maulvi TAMIZUDDIN KHAN: Is it not a fact that although the 1,607 witnesses, during the year under question, were summoned by the courts and in obedience they appeared before the courts, none of them was allowed any allowance?

The Hon'ble Sir BROJENDRA LAL MITTER: There is a great deal of confusion in this matter. Witnesses may be summoned, but may not attend, and hence not be given allowance. The figures supplied give the number of witnesses summoned, and the number of those who were not examined. Some witnesses might not have been examined, notwithstanding their presence in the court, or it might be that they did not turn up. From the figures it is impossible to say how many failed to attend.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member take it from me that our experience is that most of the witnesses summoned by sessions court do attend?

The Hon'ble Sir BROJENDRA LAL MITTER: I am quite prepared to accept that statement.

Maulvi TAMIZUDDIN KHAN: If so, this seems to be a very unsatisfactory state of things, and will the Hon'ble Member look into the matter?

The Hon'ble Sir BROJENDRA LAL MITTER: It is primarily a matter for the Court.

Distribution of Rural Uplift Grant.

*76. **Maulvi ABUL QUASEM:** Will the Hon'ble Member in charge of the Finance Department be pleased to state—

(*i*) how the total Government of India grant for village reconstruction work has been distributed under different heads and district by district; and

(*ii*) what principle has been followed in making allocations to the different districts?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*i*) Two statements showing the distribution of the grant have been placed on the table.

(*ii*) No single principle has been followed in making allocations among the districts.

Statement I referred to in the reply to clause (i) of starred question No. 76, showing the distribution of the Rural Uplift Grant, scheme by scheme.

	Rs.
(1) The establishment of seed, paddy and crop demonstration centres	1,09,000
(2) The improvement of cattle and of fodder crops ..	1,75,000
(3) The improvement of poultry	500
(4) Propaganda work in the districts	20,000
(5) The establishment of 15 experimental receiving sets in the Midnapore district	15,000
(6) The improved marketing of jute and paddy ..	50,000
(7) The establishment of coir spinning and weaving demonstration parties	40,700
(8) The establishment of Union Board dispensaries and the improvement of water supplies in rural areas ..	3,84,000
(9) The introduction into selected secondary schools of agricultural and manual training; the provision of school play-grounds in rural areas, village play-grounds and village libraries and halls	1,80,000
(10) Grants-in-aid of the Boy Scout, Girl Guide and Bratachari movements	20,000
(11) Minor drainage and flushing schemes in rural areas ..	3,03,000
(12) Improvements in the Chittagong Hill Tracts ..	30,000
(13) Discretionary grants to Commissioners and District Officers	2,05,800
Total ..	15,33,000

NOTE.—The scheme for the establishment of an experimental rural broadcasting station in the Midnapore district has been abandoned. Instead, 15 experimental receiving sets will be established at an estimated cost of Rs. 15,000. The expenditure of the balance of Rs. 67,000 is under the consideration of Government.

Statement II referred to in the reply to clause (i) of starred question No. 76, showing the distribution of the amounts allotted to scheme Nos. 1, 2, 3, 4, 7, 8, 9, 11 and 13 of Statement I among the districts.

Districts.	Scheme No. 1.	Scheme No. 2.	Scheme No. 3	Scheme No. 4.	Scheme No. 7	Scheme No. 8.	Scheme No. 9.	Scheme No. 11.	Scheme No. 13. District Officers.	Scheme No. 13. Commissioners.	Scheme No. 13. Rs.
	Rs.	Rs.	Rs.	Rs. a. p.	Rs	Rs.	Rs.	Rs.	Rs.		Rs.
24-Parganas ..	5,808	..	..	666 10 8	5,814	7,700	10,000	23,000	7,610	Presidency Division ..	11,750
Nadia ..	7,260	17,500	50	666 10 8	..	6,500	10,000	22,000	4,410		
Jessore ..	1,452	..	..	666 10 8	..	4,100	10,000	40,000	4,410		
Khulna ..	2,904	..	..	666 10 8	5,814	5,600	10,000	14,000	4,410		
Murshidabad ..	5,808	17,500	50	666 10 8	..	5,600	9,500	14,000	4,410		
Burdwan ..	1,452	..	..	666 10 8	.	20,100	10,000	..	7,700	Burdwan Division ..	11,750
Midnapore ..	2,904	..	.	1,333 5 4	5,814	14,800	5,000	14,000	7,230		
Birbhum ..	2,904	..	..	666 10 8	.	17,000	6,000	.	4,610		
Bankura ..	1,452	17,500	50	666 10 8	..	10,900	5,000	..	4,610		
Hooghly ..	2,904	17,500	50	666 10 8		8,900	5,000	..	6,150		
Howrah ..	1,452	..	..	666 10 8	5,814	9,300	5,000	..	6,150		
Rajshahi ..	4,356	17,500	50	666 10 8	.	13,800	5,000	26,000	5,980	Rajshahi Division ..	10,675
Dinajpur ..	5,808	.	..	666 10 8	.	24,200	8,000	..	5,980		
Jalpaiguri ..	2,904	..	..	666 10 8		19,700	4,500	..	4,485		
Rangpur ..	8,712			1,333 5 4		18,700	9,000	17,000	5,980		
Malda ..	2,904	17,500	50	666 10 8	.	9,900	2,500	..	2,990		
Pabna ..	2,904	..	..	666 10 8	.	16,800	6,000	.	5,980		
Bogra ..	5,808	..	.	666 10 8		6,900	2,500	17,000	2,990		
Darjeeling ..	..	.	..	..		14,200	..	.	2,990		
Dacca ..	11,616	17,500	50	666 10 8	..	16,800	10,000	14,000	9,450	Dacca Division ..	10,675
Mymensingh ..	5,808	..	..	1,333 5 4	.	47,300	13,500	10,000	9,450		
Faridpur ..	10,164	17,500	50	666 10 8	5,814	9,900	7,000	34,000	6,300		
Bakarganj ..	4,356	..	..	1,333 5 4	5,814	15,800	10,000	30,000	7,875		
Chittagong ..	2,904	..	..	666 10 8	..	13,800	4,500	14,000	7,360	Chittagong Division ..	8,550
Tippera ..	2,904	17,500	50	1,333 5 4		14,800	7,500	14,000	7,360		
Noakhali ..	1,452	17,500	50	666 10 8	5,816	10,900	4,500	..	5,530		
Total ..	1,08,900	1,75,000	500	20,000 0 0	46,700	3,64,000*	1,80,000	3,03,000	1,52,400		53,400
									2,05,800		

*NOTE.—Under scheme No. 8, Rs. 20,000 out of the total amount allotted to the Presidency Division has been held in reserve for the present.

Mr. S. M. BOSE: With reference to the unspent balance mentioned in the footnote, will the Hon'ble Member be pleased to take into account the case of non-recurring grants to women's schools in the rural areas?

The Hon'ble Sir JOHN WOODHEAD: The distribution of grant does not rest with me.

Maulvi ABDUL HAKIM: May I know whether provision has been made for minor irrigation and embankment works?

The Hon'ble Sir JOHN WOODHEAD: Yes. I would refer the member to the two statements given; if he reads them he will see that grants for minor flushing and drainage have been made.

Babu SATISH CHANDRA RAY CHOWDHURY: Has Government issued any direction to district authorities as to how the money will be distributed, or has it been left to the discretion of the local authorities?

The Hon'ble Sir JOHN WOODHEAD: I would refer the hon'ble member to the memoranda which were circulated to each member of the Council in August last.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1936-37.

DEMANDS FOR GRANTS.

32—Medical.

Motion for reduction.

Kazi EMDADUL HOQUE: Sir, if in the course of the last 179 years medical relief could not reach the doors of the millions of the suffering people in the outlying parts of the country, and if such relief is only meant and provided for the millionaires and the multi-millionaires, the rich and the wealthy people living in the metropolis, and other principal towns, then I must say that the Minister who has been entrusted with the medical portfolio is unequal to the task. There is no justification for his existence as Minister in charge of the Medical Department.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I ask if the Minister is responsible for these 179 years?

Kazi EMDADUL HOQUE: He is at least responsible for the last 5 or 6 years, and in the course of these 5 or 6 years he could have formulated suitable schemes for serving the rural population. If his plea is want of funds, then I must say that it is all the more a reason why he should be on the lookout for other cheaper systems of medicines, which will serve the purpose at a lesser cost. But such relief is not forthcoming. The Hon'ble Minister should look for *hakimi* and *unani* systems. Yesterday, Sir, he said that he was very sympathetic and that enquiry was being made, and so far as *ayurvedic* system of medicine was concerned, he would soon see that something was done in this respect. But I say that mere sympathy will not do; sympathy is hollow and there is nothing material in it. If the villagers be given some medicine even by a quack, they will welcome it, and more often than not with good result. There is no justification that because you cannot afford to have a particular system of medicine owing to its expensiveness, you will not allow the other cheaper system to be introduced for the use of the villagers, the poor people. The villagers will welcome *kaviraji* and *unani* systems of medicines which will agree with their elements and suit their constitution.

There is not much time left at my disposal, and my request to the Hon'ble Minister is that he will see his way to provide some rules in the Local Self-Government and Village Self-Government Acts whereby local bodies will be able to give aid with *hakimi*, *unani*, *kaviraji* as well as homeopathy systems of medicine, and will be able to give aid to the medical institutions and dispensaries other than allopathic. With these words I commend my motion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am greatly relieved to learn that the present Ministry, according to the hon'ble mover of the motion, is not responsible for the laches of the last 179 years. Sir, the allegation yesterday was that the British Government did nothing for the alleviation of the suffering of humanity and did nothing for the medical relief of the poor. I think, Sir, there cannot be a more incorrect statement than this. Certainly Government have done much for the alleviation of human suffering. We have to-day about 8 medical schools in this province. They turn out more than 400 students every year; the majority of whom go to the mufassal and start private practice there. Besides, Sir, there is the Calcutta Medical College and the Carmichael College which also turn out annually about 300 medical graduates. The total number of qualified medical practitioners turned out by these different medical schools and colleges is therefore about 700. My friend is labouring under a

great misapprehension when he says that indigenous medical system proves less costly than Western system of medicine. As I said yesterday, if we are not prepared to remain satisfied with a stagnant system—if we want to keep pace with the progressive science—then the indigenous system will be as costly as the Western medical system. We know from our own experience that the *kaviraji* or *hakimi* systems are by no means cheaper than the Western system—probably much more costly than the Western medical system. Indigenous system, if not practised by quacks who should be discouraged, is not in any way cheaper than the Western medical system.

Sir, in 1931 Government amended the rules of the Local Self-Government Act, and allowed the local bodies to employ non-allopathic medical practitioners in charge of the medical institutions under them. As I pointed out yesterday, Government appointed in 1922 a committee to enquire into the proposal of establishing an *Ayurvedic* Faculty and a *Unani* Faculty. The report of the committee was in favour of the establishment of an *Ayurvedic* Faculty and was not in favour of the *Unani* Faculty, as we had no *unani* school or college similar to that in the *ayurvedic* system; and the matter is at present under the consideration of Government.

The scheme that was drawn up in accordance with the recommendation of the committee of 1931 could not be given effect to for want of funds. I collected some funds from private individuals, and we have at present little over Rs. 7,000, but much more money is needed before effect can be given to the recommendations of the committee. The matter is under the serious consideration of Government, and Government hope to come to a decision one way or the other in the near future. With these words I oppose the motion.

The motion was put and lost.

The main demand was then put and agreed to.

33—Public Health.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 35,51,000 be granted for expenditure under the head "33—Public Health."

The total estimate under the head "Public Health" for the year 1936-37 is Rs. 36,78,000, or Rs. 29,000 in excess of the revised estimate of the current year, and Rs. 16,000 less than the current year's Budget estimate. The decrease, as compared with the current year's Budget estimate, which is slight, is mainly due to smaller provision being made for grants towards municipal water-supply and

sewerage schemes. In next year's Budget a provision of Rs. 19,000 has been made for the Bagerhat Water-Supply Scheme. It will be remembered that Government had made provision for a grant of Rs. 25,000 in last year's Budget for the Bagerhat Water-Supply Scheme. This money had to be surrendered, as the scheme was not ready last year. A revised scheme, at an estimated cost of Rs. 57,000, has since been prepared, and the local people are now willing to proceed with this scheme, provided they get a grant of one-third of the cost and a loan of Rs. 2,000 from Government. The reduction in the provision for grants towards municipal water-supply and sewerage schemes really accounts for the decrease of Rs. 11,000 in the total provision under "Grants for Public Health Purposes." Several municipalities have decided to finance their schemes by taking loans from Government, as the current rate of interest now is remarkably low. In the next year's Loans Budget, Rs. 5,82,000 has been provided for sanitary schemes of municipalities against Rs. 2,31,267 in the current year. Out of this Rs. 1,55,000 is for schemes in progress in Serampore and Mymensingh and Rs. 1,000 as a token provision for a loan of Rs. 35,000 asked for by Rajshahi. Rs. 50,000 is required for the Asansol sewerage scheme and the rest for water-supply schemes in several other municipalities.

During the current year only one district board came up with an application for loan for the improvement of rural water-supply. Its financial position, however, did not justify the grant of the loan, and the Budget provision had therefore to be surrendered. When Government promulgated their rural water-supply loan policy in 1928-29 on certain favourable terms, it was hoped that the district boards would come forward to take advantage of the loan terms and that execution of schemes in furtherance of the programme for the improvement of water-supply would go a great way in removing scarcity of pure drinking water in the rural areas. This hope was, however, not realised, and Government have during the last few months been considering why the loan policy has been a failure and whether any modifications are necessary which will make the programme for the improvement of rural water-supply more attractive to district boards. When the question of allotment of the Government of India's grant for rural uplift came up for discussion in this House, the majority of the hon'ble members favoured the idea of spending the whole amount on rural water-supply. On that occasion it was pointed out by the Hon'ble Member (Finance) that nearly Rs. 13,00,000 is annually spent on rural water-supply by Government, the district and the union boards. As there was a general desire to expedite the solution of the problem, Government have decided to encourage the district boards to capitalise ordinarily 50 per cent. and in several cases up to 75 per cent. of their three years' average expenditure on water-supply. The average annual expenditure of district boards on original

works of water-supply, during the three years ending 1934-35, amounted roughly to Rs. 4,86,000. If 75 per cent. of this expenditure is allowed to be capitalised and the life of the loans is limited to 10 years, district boards will be able to undertake capital projects of rural water-supply amounting to about thirty lakhs. It may be remembered that when the question of the distribution of the Rural Uplift Grant made by the Government of India came up for discussion before this House, there was almost a consensus of opinion that the whole amount should be utilised for the improvement of rural water-supply. The Hon'ble the Finance Member explained in his speech that nearly Rs. 13 lakhs is spent annually by Government, the district boards and union boards together on water-supply, but as there was a general desire in favour of expediting the solution of this problem, Government have decided to allow the district boards to capitalise generally 50 per cent. of their three years' average expenditure ending 1934-35 and in special cases 75 per cent. of their three years' programme. The average amount spent by the district boards during that period on water-supply is Rs. 4,86,000. If the life of the loan is made ten years, about Rs. 30 lakhs will be available if the district boards are allowed to capitalise 75 per cent. of their three years' expenditure and Rs. 20 lakhs if they are allowed to capitalise 50 per cent. Government have decided to relax the condition of one-third local distribution. It has been reduced to 20 per cent. in some cases and to the minimum of 5 per cent. District boards have also been given discretion to remit it altogether in special circumstances in favour of backward areas, so that the areas will have to be graded according to the economic condition of the people inhabiting the areas. Government in their 1929 scheme agreed to contribute the difference between 6 per cent. interest and 3 per cent. interest and they will continue to do so. They will make an equated payment towards the loan charges. The money market being very easy, the interest charges on the proposed loans are not likely to be more than 4½ per cent., so that the district boards will get these loans almost on payment of nominal interest. If the district boards take advantage of this scheme, the solution of rural water-supply problem will certainly be greatly expedited. In this connection, I may point out that out of Rs. 16 lakhs grant of the Government of India for rural water-supply Rs. 3,69,000 had been allotted for the establishment of union board dispensaries and improvement of rural water-supply. Normally, half of this amount would be available for the improvement of water-supply, and Government have already sanctioned a scheme for various districts amounting to Rs. 1,77,000 altogether. A sum of Rs. 20,000 is still available for distribution to some of the districts for water-supply, and the matter is under the consideration of Government. Government have also decided to make a capital grant of Rs. 11,000 to the public health co-operative societies started at Sriniketan under

the ægis of Santiniketan. The question of public health is being tackled in its entirety, and Government believe that the money will be very well spent. If these public health societies prove a success, they will become the models for similar organisations in other parts of the province.

The provision for free vaccination, maternity and child welfare and augmentation grants remains exactly the same as in the current year's budget. The grant for rural public health units also remains the same, that is, nearly Rs. 11,00,000 for 575 public health units. I need hardly remind the House that this contribution is meant mainly for preventive work and not curative work.

The same amount as in the current year's Budget has also been provided for the British Empire Leprosy Relief Association for anti-leprosy work and for the Tuberculosis Association in Bengal. Besides this, a sum of Rs. 2,800 has been granted to the Kala-azar Commission out of the saving of the Public Health Budget. The Bankura District Board has decided to establish 32 leprosy clinics, and Government in order to encourage their spirit of self-help have agreed to make a contribution of Rs. 2,700 for two years.

The normal quinine grant is Rs. 1,20,000, and this was increased by Rs. 60,000 last year; Rs. 40,000 to be distributed through the Civil Surgeons and the district boards and Rs. 20,000 worth of quinine for free distribution in selected areas. The whole of this Rs. 20,000 worth of quinine could not be utilised, because of the less consumption of quinine, so the Budget grant on this head has been reduced by Rs. 14,000. There is an additional grant of little over Rs. 46,000. The quinine would be distributed through the district boards and Civil Surgeons with the balance of quinine in hand, and quinine worth Rs. 6,000 from the current year's grant would be distributed in the same areas as in the current year directly in selected *thanas*. While on the subject of quinine, I may again refer to the anti-malarial experiment with plasmochin and quinine which was being conducted in the Memari *thana* in the district of Burdwan. The experiment has been carried now for three years from the beginning of 1933-34, and although the final report has not yet been made by the Director of Public Health, he has recently visited the area, and he is fully satisfied that the experiment, in his opinion, is a complete success. The incidence of malaria has come down by 80 per cent.; where there used to be not less than 8 or 10 attacks during the year, there are now 2 or 3 attacks. They are mild attacks. His report shows that the experiment has particularly benefited the school children. During 1931-32 the attendance in the schools during the four fever months (September to December) was not more than 39 per cent., whereas this attendance has increased to something like 93 per cent. in 1935-36.

As regards the anti-ludlowii operations that were being started in the vicinity of Calcutta, I think it is my duty to inform the House how matters stand. Government decided to contribute Rs. 23,000 on survey work, the balance of Rs. 23,000 being contributed by the local bodies and other concerns interested in the health of Calcutta and its vicinity. The whole area was divided into four sections, viz., Changail, Uluberia, Budge-Budge and Salt Lake Area. The Corporation of Calcutta and the District Board of the 24-Parganas, being chiefly interested in the operations carried on the Salt Lake Area, the Calcutta Corporation was asked to contribute Rs. 12,000, while the District Board of the 24-Parganas was asked to contribute Rs. 500; all the other local bodies and concerns agreed to make their contributions. There was a conference with the representatives of the different bodies interested, in which the Chief Executive Officer and the Health Officer of the Calcuta Corporation were also present. I believe they made a recommendation to the Public Health Committee of the Corporation for this amount, but up till now we have not received any contribution nor any satisfactory reply from that body. Government have therefore been obliged to close down the control operations in the Salt Lake Area. If Government find on survey, which they propose to carry on, that further control is necessary, and if the local bodies do not agree to make a voluntary contribution, Government will have no alternative than to bring in a Bill in order to make this contribution a statutory obligation of the local bodies. I need hardly emphasise the fact that the whole of this expenditure is really in the interest of Calcutta, and the Calcutta Corporation should bear a substantial portion of the cost. Government were very generous, if I may use that expression, in agreeing to contribute Rs. 23,000 of the cost and share the whole expenditure for survey.

Maulvi SYED MAJID BAKSH: What about the ludlowii menace?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am talking of ludlowii now. If the hon'ble member will kindly listen to me, I am sure he will find his answer.

There is a provision of Rs. 80,000 for intensive anti-malarial measures in rural areas. Out of this, Rs. 23,000 was spent in the current year on survey work in the vicinity of Calcutta. This question of utilisation of anti-malarial grant was considered by the chairmen of district boards at the conference held in 1935, and it was suggested that instead of making a grant through anti-malarial societies or the union boards, the district boards should be given a grant in order to enable them to take up more comprehensive schemes. As the amount will hardly be sufficient for the whole of the province for big schemes, Government have decided that the grant should be spent by the union

boards and anti-malarial societies, but in special cases they will hand over the money to the district boards for anti-malarial measures of a more comprehensive nature.

With these few words I commend my motion to the acceptance of the House.

Motions for reduction.

Mr. P. BANERJI: I beg to move that the demand of Rs. 61,800 under the head "33A—Public health establishment—Pay of officers" be reduced by Rs. 100 (to draw attention to the fact that Government is taking no steps to prevent malaria at Sankarpur, in subdivision and police-station Narail, within the district of Jessore).

Now, Sir, in commending my motion to the acceptance of the House, I will just refer to the Hon'ble Minister and see how he acquits himself this time of the charge that I am going to lay against him for the act that was done during his régimé. The object of this motion is obvious, and I want to inform you, Sir, in the first place that this particular subject is not a new one before the House. Is it not regrettable, Sir, that such an important matter, a matter which concerns the very lives of the villagers, has not been able to draw attention of the Hon'ble Minister during the last five or six years? Memorials were filed with Hon'ble Minister in 1930 and also in 1932, questions were put in this House in 1931 and in 1934, but every time these poor people had to go back simply disappointed. Sir, it is known to us all that the district of Jessore which was once prosperous, flourishing and teeming with a smiling population, is now depopulated and turned into a hot-bed of malaria, cholera, kala-azar and other fell diseases which have made their permanent home in the once wealthy and healthy breast of Jessore! In this place I like to mention that the village Sankarpur is one of the worst sufferers in the district. Sir, while I am speaking on the subject, I take the data from the statement made in this house in answer to starred question No. 174 of 1931, by the present Hon'ble Minister. The death rate in village Sankarpur was 7, all of which died of malaria, against 6 which is the birth rate. In the year 1929 the rates increased to 23, against 22 births, of which 15 died of malaria. And in the year 1930, the deaths were 17 against 10 births, out of which 12 were the victims of malaria. This is the result of the three years mentioned. Now, Sir, I will draw the attention of the House to the census reports of village Sankarpur from the years 1901 to 1931. A glance at these figures will convince the House of the seriousness of my motion. In the year 1901 the population was 1,393, in 1911 it was 1,129, in 1921 the population was 906 and in 1931 the number came down to 542. These data will show the rate at which the village is going to

be depopulated either by death or desertion. Why? It is simply because they are dying of the fell diseases, while others are now leaving the village only to save their lives. Is it not high time for the Government to take active steps in the matter? However, Sir, I will tell the House what the villagers have done to draw attention of the Government in order to get favourable consideration from them. The villagers submitted a memorial to the Hon'ble Minister in 1932, to which nothing was done. In 1934 the Hon'ble Minister in answer to starred question No. 169 of 24th March, 1934, admitted the submission of the memorial, but awaited a report that had been called for from the District Magistrate which, to the regret of the Hon'ble Minister, was not forthcoming by that time. The Hon'ble Minister further assured the questioner that on receipt of the report from the Magistrate, he would be pleased to communicate it to the hon'ble member. I am sure, Sir, that you will be surprised to know that nothing was communicated to the hon'ble member as yet, nor had anything been done to remove the grievances. May I ask why? Is it because the Magistrate has not yet carried out the order of the Government? If so, I will enquire from the Hon'ble Minister as to what action has been taken to get the report from the Magistrate. Again, if the Magistrate has submitted any report, then I would request the Hon'ble Minister to let us know the date on which it was submitted and what action, if any, the Hon'ble Minister had taken to remove the grievances. Now, Sir, what I should like to impress upon the members of this House is that the grievances of these poor villagers will not be removed by making speeches on the floor of the House once every year. They want, as they have stated in their memorial, a few tube-wells in the village, the clearance of the jungles and free distribution of quinine in the season time. I think you will agree with me that their demand is quite reasonable, and they require immediate and certainly favourable consideration from the Government. Now, Sir, there is another side of the shield. The Hon'ble Minister told us that the experiment of giving plasmochin quinine was started in his own district, or rather in his own constituency. And now he comes forward to tell us that it appears from the report just received from the local officers that there has been an increase of 93 per cent. in attendance in 1935-36 from that in 1931-32 when the attendance was only 39 per cent. Further, from the reports of the last ten years, we find that the population of his subdivision has increased to 136,773, whilst the population of the district of Jessore has decreased by 51,055. May I know whether in this state of affairs it was right on the part of the Hon'ble Minister to carry coal to New Castle, and whether the experiment should not have been made in the district of Jessore? Taking the district as a whole, you know, Sir, that it is that district where malaria originated for the first time in the whole of India, and the Hon'ble Minister's predecessor in office once in reply to a question

said that during the last 36 years the population in the district of Jessore had decreased by about 200,000. That is the state of things at present. Anybody having knowledge of the census figures of Jessore knows that the district which was at one time a very prosperous one has now been reduced to an abode of wild animals. Therefore, is it not fair on the part of the Hon'ble Minister that the experiment should have been made in this place instead of in other places where the population is increasing by lakhs? That being the case, I ask the Hon'ble Minister what was the particular reason for his carrying coal to New Castle? Therefore, I charge him with failure to take steps to prevent malaria in a place where it was urgently necessary, and I think I am justified in doing so. I do not grudge for a moment his making the experiment in his own place. The point is that if it were possible for Government to make the experiment in all places, that would have been quite right. But when the Hon'ble Minister said that out of Rs. 20,000, Rs. 14,000 had to be surrendered, it showed that there was no opportunity availed of for the distribution of quinine. Of course, the Hon'ble Minister will at once say that the district board or the local boards or the union boards could do it, but the question is that these bodies did not get any help from Government in this direction, and whenever they approached Government—they systematically approached Government in 1931, in 1932 and also in subsequent years—the Hon'ble Minister said that the matter was under the consideration of Government, and he was awaiting a report from the District Magistrate. But up till now nothing has been done. When there was surplus money available, why did not Government in the Ministry of Public Health take up this matter? That is my grievance, particularly so far as this part of the district of Jessore is concerned. With these words, I commend my motion to the acceptance of the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, first of all I believe Mr. Banerji will expect some reply from me as to why the experiment was started in Burdwan instead of at Sankarpur in the district of Jessore. Government was guided in this matter by the advice of the Director of Public Health and the area in Burdwan was considered to be the most suitable for the experiment. The Director of Public Health selected the area, as it was easily approachable from Calcutta, so that supervision over the experiment might be carried on by the officers of the department, and that is why Government selected Burdwan which is also malarious. It is not a case of carrying coal to New Castle. Malarial fever is known as Burdwan fever. Unfortunately, my district stands in as much need of medical help and anti-malarial operations as any other district. I can assure him that when Government select the district it was not done in a parochial motive. In the memorial to which the hon'ble member has referred there were

four charges, namely, that tube-wells were not sunk, clearing of jungles was not done, provision of medical aid was not made and detection of the sale of adulterated foodstuffs was not properly carried out. These were the four allegations that were made in the memorial. The matter was thoroughly enquired into by the Subdivisional Officer. I will simply read out the reply of the District Magistrate which will no doubt convince the House:—

"The memorial submitted by the villagers of Sankarpur, police-station Narail, district Jessore, was chiefly about the alleged negligence on the part of the Jessore District Board, Narail Local Board, and Chandibarpur Union Board in regard to the sinking of tube-wells, clearing of jungles, provision of medical aid and detection of sale of adulterated foodstuffs in the village. From an enquiry made by the Subdivisional Officer of Narail, it appears that there is little substance in these allegations as the following will show:—

(1) No tube-well could be sunk at Sankarpur as the memorialists were not prepared to contribute one-third of the cost. It is reported that a tube-well was sunk in the year 1933-34 at Goalbathan, in the same union and within 3 miles of Sankarpur, as the local people and the Chandibarpur Union Board joined together in paying the one-third contribution.

(2) It is not possible for the local union board with its limited resources to undertake the clearing of jungles in every village within the union; but the board took steps to have the roadside jungles cleared during 1933-34. It is, however, open to the memorialists to start an anti-malarial society for the purpose as has been done in the neighbouring village of Kurulia with excellent result."

They were requested to start anti-malarial societies, but the people were indifferent. Again, to come back to the report, regarding provisions for medical aid, it is said:—

"The allegations are without foundation. Quinine and cinchona have been distributed by the sanitary officers direct as well as through the union board since 1930. The people of the village also received treatment at the neighbouring kala-azar centres of Habokhali and Chandibarpur. The sanitary staff have visited the village very frequently every year and carried on vaccination. There is also a scheme for the establishment of a dispensary at Naldi to be supported by three union boards, but it cannot be proceeded with until the financial condition improves.

Regarding the detection of sale of adulterated foodstuffs, the sanitary officers visited the Naldi, Mithapur and Tantandanga bazars and sent up several cases under the Bengal Food Adulteration Act.

As regards certain other allegations, viz., the fouling of river water by the throwing of carcasses and the committing of nuisances, it may be noted that the sanitary staff get very little co-operation from the public in such matters, and the memorialists can do much by educating public opinion."

Sir, I think this report of the Subdivisional Officer is a complete reply to the allegations made by the hon'ble member, and I oppose the motion.

The motion was put and lost.

Dr. AMULYA RATAN GHOSE: Sir, I beg to move that the demand of Rs. 4,85,000 under the head "33A—Public health establishment—(*a*) Director of Public Health" be reduced by Rs. 100 (failure to remove nuisances, *e.g.*, the trenching-grounds, within the crowded localities and municipalities).

I have tabled this motion to draw the attention of Government towards the removal of public nuisances from the town areas of the municipalities, and the nuisances are mostly regarding the trenching-grounds. On a previous occasion I raised this same question, but the reply of the Hon'ble Minister was very unsatisfactory and disappointing. He took up the plea that it was a "local" condition, and it was for the local bodies to look into the matter. I was simply surprised to have such a reply from the Hon'ble Minister on the last occasion. It was amazing that the Hon'ble Minister did not know the responsibility that was his. When the people are disappointed in not getting relief from the local bodies, they approach Government, and this was a case of that nature. The people of Howrah have been crying hoarse over the removal of the trenching-ground from the midst of a very crowded area in the northern section of the town, and for the removal of that trenching-ground they have been carrying on vigorous and persistent correspondence with the authorities concerned. This trenching-ground is located at Nandibagan in Salkia. The Divisional Commissioner at Chinsura was addressed as also the Director of Public Health—I mean the ex-Director, Dr. Bentley. He personally inspected the trenching-ground and expressed himself as awfully disgusted with the conditions that prevailed there; the nuisance and the awful stench that emanated from the dumping of night-soil refuse, the carcasses of dead animals was so great that even passengers in railway trains—I may say that the railway lines are only at a few yards' distance from the trenching-ground—even those passengers are troubled with that stench, and they have complained of it. The railway authorities have also complained about this nuisance, but so far no action has yet been taken to remove these nuisances from the midst of the town. The people also approached the late Sir Surendra Nath Banerjea, while he was the Minister in

charge of the Local Self-Government Department, and he said in his reply that when the provisions of the Calcutta Municipal Act would be extended to Howrah, the conditions would be improved then. After this, Sir, the provisions of the Calcutta Municipal Act have been extended to Howrah since the year 1933. Even now, Sir, the conditions remain the same as they were ever before, although the agitation for the removal of these trenching-grounds was started as far back as the year 1920. Sir, it is needless to emphasize the necessity for the removal of these trenching-grounds. Only recently, a petition was addressed to the Director of Public Health by a large number of inhabitants of that place and most of them were *harijans*. The petition was forwarded by me to the Director of Public Health, and the Assistant Director of Public Health went there and saw things with his own eyes. But he said that they were absolutely powerless in the matter, and that it was for the municipality to look into these affairs. I want to know whether if any municipality or any local body does not remove the real grievances of the people, should not the local Government come in and interfere in the matter and compel the municipality concerned to take action? The Assistant Director simply advised the people of the locality to form health units and health societies and follow the example of Mahatma Gandhi and do the sweeping and carry night-soil by themselves, thus relieving the municipality of their burden, so that in that way funds would be available; and when funds were available the trenching-ground could be removed! It was nice advice, Sir, that the Assistant Director gave to the people. It is high time, Sir, that this matter should be seriously taken up by the Government. Not only this trenching-ground that I am speaking of but all others should be removed—of course, as I come from that area I am more interested in that, but, Sir, this is the condition which prevails practically in all parts of Bengal, in all municipalities in Bengal—except within the limits of the Calcutta Corporation. Sir, the method of removal of night-soil and the disposal of sewage is still as oldish as it was in the days of the ancient kings, such as Chandragupta or Asoke. It has not improved even by a jot, although a civilized Government are ruling here in Bengal for such a length of time and although the Ministry of Local Self-Government spend a lot of money for the improvement of the health conditions in Bengal. It remains a patent fact that the way in which night-soil is removed is awfully disgraceful to any civilized town or any civilized country. The night-soil carts pass through the streets throughout the day and night carrying night-soil to the extreme repugnance of the passengers, pedestrians and the inhabitants of that locality, and they dump the contents at a place which is in the midst of a crowded locality. There is also a case which I know of, in Napara and Mannapara on the east side of the Barrackpore Trunk Road, where also the people feel great difficulty. It is a very narrow lane, only three

or four feet wide, and through that lane broken night-soil carts are allowed to pass, scattering night-soil throughout the lane through which they pass to the trenching-ground. If these trenching-grounds are removed to another locality, if arrangements are made for the removal of night-soil in a more decent way, then, of course, the grievances of the public will be no more. Under these circumstances, is it not possible for the Government to rouse up the municipalities to take action in this matter and improve the conditions regarding the disposal of sewage? Nowadays, septic-tank latrines have very well replaced the old system of disposal of sewage, and if that system is employed, instead of the old system, I think that much of the grievances can be removed; or if lorries are employed in place of broken, wooden, night-soil carts, then, also, the nuisance might be mitigated to a great extent. With these words, Sir, I commend my motion to the acceptance of the House.

Maulvi HASSAN ALI: I beg to give my whole-hearted support to this motion. A similar motion relating to the trenching-ground of the Dinajpur Municipality has been tabled by me, but I think it is advisable for me to speak on this motion, because I may not have the opportunity of moving my own. These municipal trenching-grounds have been a standing public nuisance. The Hon'ble Minister for Public Health should pay particular attention to them. With regard to the Dinajpur Municipality, there is a trenching-ground which is within the municipal town. I wish to give certain facts from the report of the Assistant Director of Public Health. The report is dated 29th May, 1933, and it runs thus:—

"The chief objectionable feature of the trenching ground is its close proximity to dwelling houses. It is only about 50 feet from the railway line. The approximate nearest distances from the various houses are given below:—

Direction.		Distance from trenching-ground.	Houses.
		ft.	
East	..	50	Railway level-crossing, 15 or 16 houses near it.
North	..	300	Bejoy Babu Pleader's house.
		300	House of Rebati M. Bhattacharjee.
		325	Khaililsa Haris house.
North-West	..	400	Heramba Ganguli's house.
		450	Jnanendra N. Sircar's house.
West	..	250	Kamini Kumar Banerji's house.
		300	Jagabandhu Ghose's house.
		450	Lyon's Hindu Hostel.

"There are a good many other houses within 500 feet. It would be much better if the municipality would select a new land for trenching, at least one-fourth of a mile from town. I would like to say that mere pious wish like this would not do. I appeal to the Hon'ble Minister for Public Health to take this into his serious consideration and see that the trenching-ground is removed from its present site. The Divisional Commissioner after his recent visit to the town has made a similar recommendation."

Mr. K. C. RAY CHOWDHURY: I myself was a resident of Howrah for a good many years, and I have personal experience of what my friend Dr. Ghose has said. But his lecture on the ministerial responsiblity is out of question, because it is the primary duty of the Howrah Municipality to look into this question. In fact, under the Municipal Act this responsibility rests on the commissioners, and I must say that the commissioners of the Howrah Municipality have totally neglected their duties. When the Royal Commission on Labour visited certain areas in the Howrah Municipality and inspected some of the bustees, they reported that the Howrah Municipality was one of the worst from the point of view of sanitation, and when the Howrah Municipality denied it, the Royal Commissioners challenged them to prove that their statement was wrong. As a matter of fact, there is no other municipality in Bengal which is so callous to the insanitary conditions of its town as the Howrah Municipality is. I should, therefore, ask Dr. Ghose to look into the matter and to shoulder the responsibility which is his and his fellow-commissioners and not to thrust that responsibility on the Ministry.

Maulvi SYED MAJID BAKSH: Sir, I am one of those who have grievances with regard to municipal trenching-grounds. In our own municipality, there is a trenching-ground which is situated in the midst of houses of respectable men. I put questions and got answers regarding it. Within 200 yards of the trenching-ground in Jessore, there are houses of officers and others which are gradually extending towards that direction. The town could have extended further in that direction, had not the trenching-ground been there as a barrier. So far as the other sides of the town are concerned, there are various difficulties in every direction for the expansion of the town, and it is only in this direction that the town can conveniently expand. I have brought this question many times to the notice of the Hon'ble Minister by means of cut motions last year and the year before, but the Hon'ble Minister seemed to be quite unmindful of it. His answer has been that it is the municipality which is primarily responsible in this matter. I do not disagree with him, but I cannot understand why, just as in other municipal matters, the Ministry of

Local Self-Government have got nothing to do in this matter? The Hon'ble Minister can at least ask the municipality to remove the trenching-ground. In our district of Jessore, the land is not very costly. Sir, the municipality seems not to mind this question and not to direct their attention towards this. Therefore, a direction from the Ministry of Local Self-Government will help us much. After all, Sir, a directing influence is sometimes necessary to make men do their duty in a proper way. It may be necessary to have an outside influence and outside guidance, although there is inclination and intention on the part of a local body to do something. I would, therefore, request the Hon'ble Minister and the Director of Public Health to look into this question. I understand that as a result of my questions and cut motions, an enquiry was made by an officer of the Public Health Department. But the gentleman simply went there, did not go to the locality himself, did not satisfy himself as to whether my charge was correct or not, but he simply consulted the health officer of the district board who had no concern in the matter and, without collecting any data for himself, he came out with the report which he had from the health officer. That being so, I ask the Hon'ble Minister to take up the matter again this year. It is his last year of administration—of course, I am not certain, and I speak subject to correction—but it seems in all probability that it is the last year, and, therefore, I would request him to leave behind a lasting name so far as my district is concerned, by doing something for the removal of the municipal trenching-ground in Jessore. It will not do to say, as one of the Secretaries told me last year, that the trenching-ground was there since 1879 or 1880, and that there was no objection raised against it during the last 50 years, and that therefore we have no case at all. I fail to understand the reason and novelty of that argument. But as the town is extending in that direction, it is necessary to remove the trenching-ground from there. The very fact that objection is now raised shows that there is a genuine grievance. If the Hon'ble Minister does not look up to our grievances but depends on his subordinates, we have no way out of our difficulty. I hope the Hon'ble Minister will not cast away my appeal to the winds in the way in which it was done last year.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Dr. Ghose started by saying that my reply to his resolution last year was very disappointing. I am afraid, Sir, it is not going to be more encouraging this year. I might remind him that the duty about the trenching-ground lies entirely with the municipality. Dr. Ghose is an elected commissioner of the Howrah Municipality. It is a rich municipality, the second municipality in the province, and if it cannot do its duty properly, the course left open to Government is to supersede the municipality and to take our responsibility. I would ask

Dr. Ghose in all seriousness if he suggests that course. If he does not, then he will have to depend on the good sense of himself and of his brother commissioners. Sir, if the Director of Public Health is of opinion that a particular trenching-ground is a source of nuisance and if Government are satisfied that in spite of the fact being brought to the notice of the municipality concerned they are not taking adequate steps to abate the nuisance, Government can certainly under the Municipal Act compel the municipality to take necessary steps. This matter has been brought to the notice of the Howrah Municipality by the ratepayers. Evidently, in the opinion of the municipality it is not a very great nuisance, or it can afford to spend money in finding a new trenching-ground in the vicinity of Howrah which is admittedly a costly area. Sir, I would suggest that the hon'ble member should agitate this question in the municipality as a commissioner on behalf of the ratepayers. If it is a real grievance on the part of the ratepayers, why should they return persons who are so very indifferent to their grievances? Why should they do it? That fact shows that the ratepayers do not feel the grievance to that extent at least to which the hon'ble mover wants us to believe (DR. GHOSE: Hear! hear!) The hon'ble member forgets that it is his duty and that he should not come and make a grievance of the neglect of his own duty in this House. If his allegations are correct then the hon'ble member must admit that he or his brother commissioners have failed to carry out their duties, and they should resign and make room for more competent persons.

Dr. AMULYA RATAN GHOSE: When, to-morrow?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is extremely difficult to introduce underground sewerage system in every municipality. It is a question of means and the underground sewerage system is only possible in municipalities with big income. As regards the Dinajpur trenching-ground, our information is that it is not a source of nuisance; on the other hand, it is the private privies that are not properly cleaned and kept in proper condition. The trenching-ground is not a source of nuisance—that is our information. Similarly, in the Jessore Municipality, where there is a trenching-ground, it is not a source of nuisance. It is not a source of nuisance to the town, but it may be a source of nuisance to those houses that have been built near the trenching-ground. Those who have gone and built their houses near the trenching ground cannot complain of the nuisance.

Maulvi SYED MAJID BAKSH: But the town has extended and is extending.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If the town extends near the trenching-ground, the people must suffer. It is not always within the means of small municipalities like Dinajpur and Jessore to change their trenching-grounds every other day. This matter was thoroughly enquired into by the District Magistrate as a result of a question put in this House, and his report was that it was not a source of nuisance except to the houses that were built near the trenching-ground. So there is absolutely no substance in the contention that the trenching-ground is a source of nuisance to the town generally and that Government did not pay sufficient attention to it. I repeat that the responsibility rests primarily with the municipalities and not with Government. If the municipalities do not discharge their duties properly, the only course left open is to supersede those municipalities. Instead of following the advice of Mahatma Gandhi in the words of Dr. Amulya Ratan Ghose, does he advise Government to follow the method, of Herr Hitler?

I oppose the motion.

The motion was then put and lost.

(The Council then adjourned for fifteen minutes.)

(After Adjournment.)

(Here the time allotted for the discussion of the demand for Public Health having been reached, the main demand was put.)

The main demand was then put and agreed to.

34—Agriculture.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 23,67,000 be granted for expenditure under the head "34—Agriculture."

The main features of the Budget have been explained in the Financial Statement and I shall deal with the more important items later on.

As this is the last Budget under the present regime, I venture to take stock of the work done by the development departments in my portfolio.

Sir, ours was a poor man's heritage for reasons which are well known to the House. A tale of woes followed from the economic depression since 1929-30 when I came into office. We had, therefore,

to carry on under the most difficult financial conditions, and retrenchment came in train. Although handicapped by the limitations imposed by financial stringency and retrenchments, we have been able to do some solid work as I shall presently explain.

Ours is mainly an agricultural country. Agriculture is and must be the mainstay in Bengal.

The policy of the Bengal Agricultural Department has, therefore, been to secure the economic advancement of the agricultural population by popularising the adoption of better methods of farming and improved varieties of crops, fertilisers and implements as well as by improving their stock.

As pointed out by the Royal Commission on Agriculture in India, the basis of agricultural progress is research and experiment. The research work of the department is mainly conducted at the Central Research Station at Dacca, which is the headquarters of the Chemical, Botanical and Fibres Sections, while at the Cattle Section at the Dacca Farm, problems connected with animal husbandry are under investigation. The Engineering Section is also engaged in the production of improved machinery and appliances suitable to the needs of the agriculturists.

Valuable results have already been obtained by the production of improved races of paddy, jute, sugarcane, tobacco, pulses, oilseeds, etc. Among the departmentally-improved races of rice, which have been introduced, *indrasail*, *dudsar*, *jhingasail*, *tilakchuri*, and *nagra* are the best varieties of *aman* or winter paddies, while *kataktara*, *surjamukhi* and *charnak* are the best heavy-yielding varieties of *aus* paddies. The yield of these varieties is not less than one maund more per *bigha* than that from the cultivator's seeds, and, consequently, they have been very popular and have been adopted extensively by the cultivators.

Though jute seems to be an outcast at the present moment, it has been the principal cash crop of the province. The improved races of lowland jute, known as *kakya bombai*, R 85 and D 154, and the highland jute, known as Chinsura green, are familiar to all jute-growers. On an average, these improved races of jute yield at least 25 per cent. more per *bigha* than the ordinary local races.

Sugarcane is in great demand now. *Tana*, the tough Mauritius which was at one time very popular as a *gur*-making cane, besides being hard enough to resist the ravages of wild animals, has now given way to Coimbatore 213, which, in the course of the last six years, has attained great popularity. It gives at least 25 maunds of *gur* per *bigha* as against 15 maunds which is the normal yield of local canes. There is a heavy demand for its cuttings which it has been found difficult to meet.

At the Burirhat Farm in Rangpur district attention is devoted to tobacco. Excellent improvements have been made in this crop. Not only has the use of selected seeds of improved tobacco, especially *motihari*, spread rapidly in the tobacco-growing tracts, but already there is an appreciable demand for it in other places. Of the total area of over nine hundred thousand *bighas* under tobacco in 1934-35, Rangpur alone accounted for six hundred thousand *bighas*. As a result of research, for every maund of improved tobacco the Bengal cultivator receives double the price for the leaf he produces.

A great deal of research work is now in hand, and I am glad to be able to say that we have effected a liaison with the Universities of Calcutta and Dacca in this respect. With the facilities offered by the Imperial Council of Agricultural Research, the scope of research has been expanded, and the following schemes have been taken up:—

(1) Research on trade rices.

(2) Study of problems of animal nutrition.

(3) Scheme for sugarcane seedling station at Dacca.

(4) Cane-crushing and *gur*-boiling experiments.

(5) Study of soil problems.

(6) Sugarcane investigation.

(7) Fruit research.

(8) Marketing of agricultural produce.

(9) Investigation of diseases of animals.

(10) Investigation into methods of extraction of flax fibre.

(11) Research into the systematic collection of medicinal plants and study of food poisons by Lieutenant-Colonel Chopra.

(12) Agricultural research at the Dacca University.

(13) Research into properties of colloid soil constituents by Professor J. N. Mukherji of the Calcutta University.

(14) Investigation on experimental errors in field trials by Professor P. C. Mahalanobis of the Calcutta University.

(15) Investigation into the organic constituents of Indian soils by Professor J. C. Ghosh of the Dacca University.

Mr. NARENDRA KUMAR BASU: Sir, we cannot hear anything, nor can we follow the Hon'ble Minister.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Sir, as the time allotted for the discussion of the demand is very short, I have got to finish my speech in as little time as possible.

Mr. NARENDRA KUMAR BASU: Why not then supply us with a copy of the speech, so that we can follow you?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Turning now to the demonstration side, we have divided the province into three circles for administrative purposes, namely, the Western, comprising the Presidency and Burdwan Divisions; the Eastern, comprising the Dacca and Chittagong Divisions; and the Northern, which covers the Rajshahi Division. There are three Deputy Directors in charge of these circles working under the direction and control of the Director and Assistant Director. In these circles, there are 22 district and other farms in charge of District Agricultural Officers. These officers not only attend to the work of the farms, but also look after the general agricultural work in their respective districts. They also encourage private enterprise in farming. The number of these officers is 30. Under them are employed 101 demonstrators whose main function is to get into touch with the cultivator in his village home, and to demonstrate on his land the improved methods, etc., recommended by the department with a view to securing their widespread adoption. It has been the aim of Government to place one demonstrator in charge of each of the 600 *thanas* in the province with suitable arrangement for supervision, but financial stringency has stood in the way. We have, however, been able to provide for ten additional demonstrators in the Budget now before the House.

The results obtained from demonstration and propaganda have, on the whole, been very encouraging. There are 272 private farms of which 124 are in the Western Circle, 97 in the Eastern and 51 in the Northern Circles. Remarkable progress has been made in the multiplication and distribution of pure line departmental paddy seed. In 1934-45 there were 334 paddy centres against 200 in 1928-29. With the Government of India grant for rural uplift, we have arranged to establish 450 additional seed multiplication and demonstration farms in union board areas. At the present time, 114 union boards are actually engaged in seed production.

There was an increase in the area under sugarcane which now covers a total area of 976,200 acres, principally in the districts of Rajshahi, Dinajpur, Bogra, Malda, Dacca, Mymensingh, Faridpur and Bakarganj. Naturally, there has been a heavy demand for departmental cane. During the last seven years, over thirty million sugarcane cuttings were distributed. Sugarcane mills are also growing up apace. It is reported that 45 mills are now working, of which six are large white sugar factories. The ten-ton sugar mill designed by the Agricultural Engineer is gaining in popularity. Smaller types of two to a half ton power mills or crushers have also been designed to suit the requirements of men with limited means. Improved types

of molasses and rab furnaces have also been made available. Over nine hundred thousand Napier grass cuttings and about 700 maunds of groundnut seed have been distributed this year. The quantity of paddy seed distributed during the last seven years exceeded 77,000 maunds.

To sum up, during the last seven years, the total estimated area under improved departmental crops—paddy, jute and sugarcane—has increased from six hundred and fifty thousand to thirty-seven million one hundred thousand *bighas* at an expenditure of about eight lakhs of rupees on research and experiment from the Provincial and Imperial Council funds and of nearly eleven lakhs of rupees on demonstration and propaganda.

Owing to the adoption of the improved races of departmental seeds on this scale, it is calculated that the aggregate income of the Bengal cultivators should have been in the vicinity of two crores, but for the unfortunate causes due to worldwide trade depression which led to a fall in the prices of commodities.

Since the Great War, the economic balance has been disturbed and the international trade upset, and as a result, the producer has been the greatest sufferer as he could not obtain a price which would cover the cost of production and give a reasonable return for his labour. The whole question was discussed at the Provincial Economic Conference at Delhi in April, 1934, in the deliberations of which I had the honour to take part. The scheme for the marketing of agricultural produce owes its inception to the recommendation of the Conference. Provincial marketing staff were employed last year. They have already taken up enquiries under the following heads—(1) wheat, (2) rice, (3) linseed, (4) groundnut, (5) tobacco, (6) cattle, (7) milk, (8) hides and skins, (9) eggs, and (10) fruits.

Next in importance is the problem of cattle improvement, the magnitude of which will be realised from the fact that the total cattle population in Bengal is over twenty-five millions. Cattle-breeding operations have hitherto been carried out in the Rangpur Cattle Farm and the Cattle Section at the Dacca Farm. Much to our regret as a measure of retrenchment, we had to close down the Rangpur Cattle Farm in 1934. There are 356 bulls standing at stud in the districts, capable of serving annually over 35,000 cows. In the last few years over 150 bulls were issued from the cattle farms. Considerable progress has been made in the improvement of live-stock in the districts of Malda, Rajshahi, Nadia and Hooghly where live-stock officers were posted. In these districts, definite improvement in the stock of cattle has been made, and the people are now able to breed and rear their own bullocks without having to purchase them from outside the province. A great impetus has also been given to the cultivation of fodder crops in these

districts. Under the premium system, 400 bulls have been distributed free to villagers who are also given a premium of Rs. 5 per month for the upkeep of each bull. These bulls can serve annually some 40,000 cows. Great interest also attaches to the scheme for the improvement of cattle and fodder crops which will shortly be introduced in the districts of Malda, Rajshahi, Hooghly, Bankura, Nadia, Murshidabad, Noakhali, Tippera, Dacca, and Faridpur. It is proposed to distribute 100 pure bred bulls in each of the above 10 districts, the number of bulls thus amounting to 1,000 in all. Ten Veterinary Assistant Surgeons will be employed to assist the live-stock officers who will be in charge of the scheme in the work of propaganda, inspection, castration and immunisation of young stock. It is expected that in six years' time those ten districts will be completely stocked with half-bred bulls and in course of time there will be no need for the importation of bullocks in these districts from outside the province. The cost on account of the imported bullocks is estimated at Rs. 50 lakhs per annum at present.

While on the subject of cattle, I may mention the useful work done by the Civil Veterinary Department on the prevention of epidemic diseases and treatment of cattle in the mufassal. The average number of animals treated in the villages and in hospitals and dispensaries is about two hundred and fifty thousand per annum, while the average figure for inoculations comes to not less than one hundred and fifty thousand. Provision has also been made for the establishment of a Goat Tissue Vaccine Depôt in Calcutta with nine additional staff Veterinary Assistant Surgeons. This vaccine is a very potent and at the same time very cheap prophylaxis against rinderpest which takes a heavy toll of cattle life in Bengal. We have already received a request from the Veterinary Department of Assam for a supply of this serum which we hope to be able to meet. In recent months severe outbreaks of rinderpest in the districts of Noakhali and Bakarganj were very successfully controlled by the use of the goat tissue vaccine. Up to January, 1936, about two hundred and fifty thousand animals had been treated with this vaccine.

With regard to poultry improvement, a measure of success was achieved in three selected villages in Dacca, Rajshahi and Hooghly districts in which experiments were conducted last year by the distribution of cockerels and eggs. There were 1,440 eggs for hatching distributed free of charge, and 1,543 sold, in addition 316 birds for breeding were sold. It has been decided to extend the scheme in selected villages by the distribution of mating birds in the ten districts in which cattle improvement work will be initiated.

In the Co-operative Department the difficulties due to the economic depression which was beginning when I took over charge were

enormously handicapped by the collapse of the ill-started jute sale and supply societies. Even in times of prosperity losses on the scale of those incurred in this venture would have put a most serious strain on the resources of the movement. Coming as they did at a time of prolonged depression, their effect was very much more serious. In estimating the progress made and the activities which it was open to the department to undertake in the period between 1929 and now, it is necessary to make full allowance not only for the acuteness of the economic crisis in general, but also for the aggravation of conditions which resulted from the locking up in societies under liquidation of such a large proportion of the working capital of the co-operative movement. As far as the Bengal Provincial Co-operative Bank is concerned, the sum which has been thus immobilised is well over Rs. 20 lakhs and even now represents about 11 per cent. of the total borrowed capital of the bank. This bank has suffered by far the most heavily, but there is a further sum, perhaps as much as one-third of the amount of its investment, thus frozen which was contributed to the jute sale and supply societies by other co-operative organisations and has for years been similarly kept out of circulation.

In the very difficult conditions which resulted, it may be claimed as an indication of the strength of the movement that there has been no spectacular disaster. This result is attributable primarily to the guarantee by Government of a cash credit of Rs. 30 lakhs in favour of the Provincial Co-operative Bank. But it is perhaps an even more notable fact that the mere guarantee of this credit was sufficient to restore public confidence, and there was no need to utilise the facility. There was no run on the banks, and the depositors have been content to show most praiseworthy forbearance in the face of the banks' difficulty in meeting deposits as they mature. The depositors have indeed been very considerably better off than those who have invested in a number of other loan business and joint-stock banks, for speaking generally, although they have been called upon to show the banks indulgence both as regards the repayment of capital and as regards the rates of interest, they have not failed to get more or less regularly some return on their deposits. If there were nothing else to point to during the period from 1929-33, this retention of the confidence and good-will of depositors would be no mean achievement.

There is, however, something more to put to the credit of the movement during this period. As the House knows (and I think the House entirely approves) the policy of the department has necessarily been one of consolidation. It was indeed possible at the beginning of 1935 to lift the ban on the organisation of fresh societies, and to sanction a policy of cautious progress under adequate safeguards. The safeguards aim first at prevention of overfinancing

and the use of short-term loans for long-term purposes, secondly, at increased supervision, particularly over the issue of the loans to prevent the appropriation of an unjust proportion by the panchayats of societies and the issue of fresh loan before previous commitments have been liquidated and, thirdly, at a sound investment of the new societies' reserve funds. But we have found that the central banks are in general not anxious to extend their business, and they wisely prefer to direct their energies towards strengthening their own position by the reduction of liabilities. There has, therefore, been no advantage taken of the removal of the embargo on the organisation of new societies. Nevertheless, there has been some progress since 1929. We then had about 22,500 societies; we now have 23,400. Against a membership of 750,137 then, we have now 830,246. The working capital used in the movement was in 1929-30 less than Rs. 15 crores, but is now well over Rs. 18 crores. The interlocking of finance and the inclusion of reserve funds in this sum obscures the very substantial increase in cash investments by individuals which have risen from Rs. 7·12 crores in 1929-30 to Rs. 9·17 crores in 1934-35. Moreover, it has been possible to effect a very considerable alleviation of the burden of interest charges on the members of primary societies. Depositors in the central banks have in most cases agreed to substantial reductions in the rates of interest which have enabled the banks in turn to pass on concessions to their affiliated societies. The nature of these concessions can be estimated from the calculation made by the Registrar of Co-operative Societies that the annual interest charges from societies have been reduced by about Rs. 2·87 lakhs. The societies in their turn have been able to pass on a much greater degree of relief to their members: on loans outstanding of about Rs. 4·17 crores the general reduction in interest rates levied on members is estimated by the Registrar to be on an average about 3 per cent. There has, therefore, been achieved already a reduction of annual interest charges on co-operative loans owing by the cultivators amounting on this computation to about Rs. 12½ lakhs.

In addition to this achievement, there are new activities either already initiated or projected, and likely to be initiated during the next year. The projects already put into operation are the institution of land mortgage banks and the scheme for the improvement of the handloom industry. In the near future it is intended to effect a further strengthening of the staff and to launch a "five-year plan" of co-operative training and education. Government have also under consideration schemes for experimental jute and paddy sale societies. I shall deal later in rather more detail with these new activities. In the conditions which I have indicated, however, I feel able to claim that, in spite of 7 years of economic depression and strain, the department now faces the future in a stronger position and with greater confidence than for many years past.

The revised estimate for 1935-36 presents no very striking features and the divergence from the Budget will be commented on in passing. I had an opportunity last year during the July and August session of giving the House a bird's eye view of the department's activities, and I shall to-day concentrate on two only, namely, the land mortgage banks and the handloom weaving scheme. Three banks (at Mymensingh, Pabna and Comilla) were registered in 1934 and two (at Jessore and Birbhum) in 1935. Up to the end of February, 1936, these banks had received 2,055 applications for loans aggregating Rs. 9,60,145. Of these applications, 446 have been passed by the banks and the amount of loan sanctioned is Rs. 2,53,471. The actual sum issued on loan so far is Rs. 130,764. Applications for loan have not been accepted without a scaling-down of the debts of those to whom loans are issued; results here are encouraging, and in Mymensingh and Pabna the percentage of reduction is between 41 and 43. I notice that there are a number of token cut motions tabled for the purpose of raising discussion on the policy of the department in this matter. I have a fuller exposition till they are reached, but meantime I cannot do better than quote the reply given by His Excellency Sir John Anderson to an address presented to him at Chinsura on the 28th August last. He said:—

"Government intend to open land mortgage banks gradually throughout Bengal, but the extent to which this can be done must depend primarily on the results shown by those established as an experimental measure. If, as Government hope, these prove sound financially and an effective means of freeing the agricultural population from its burden of debt, they will not hesitate to establish further banks."

As regards the scheme for the improvement of the handloom industry, the progress has been rather slower than we hoped when framing the Budget. We have been unable to count on utilising Rs. 6,000 out of the allotment voted for pay of establishment and Rs. 48,000 out of the sum for "Supplies and services." In parenthesis I may say that this accounts for Rs. 54,000 out of the reduction of the Budget estimate by Rs. 62,000 in the revised estimate for the year and that the balance is accounted for by savings on pay of officers. It proved impossible to inaugurate the handloom weaving scheme until November, 1935; but some progress has been made. Six unions have been directed to buy dobbies and jacquards and one to buy slasher sizer and calendaring machines of up-to-date pattern. Work will be carried on through seven co-operative industrial unions. The use of automatic fly-shuttle looms is being encouraged. Orders have already been booked for waterproof lining cloth to be supplied by two unions and for envelope lining cloth by another. Efforts are being

made to secure a contract for the supply of turbans to the Bengal-Nagpur Railway. Negotiations are going on for the supply of silk shirtings and suitings to South Africa: samples of fancy curtain cloth, deck-chair canvas cloth, bed sheets and gauze cloth have been prepared and an attempt is being made to find a market for them: experiments are being made with show canvas and with improvements in the weaving and design of floral-bordered saris and of shirtings; and the department is following up the encouraging reception given to woollen wrappers prepared at Alamdanga by extending and improving the weaving of woollen fabrics there.

The demand for 1936-37 is an increase of Rs. 1,92 lakhs on the revised estimate for the current year. Of this sum Rs. 46,000 is on account of the handloom weaving scheme to which I have just referred. Some part is caused by increments of time-scale pay and a new appointment of clerk in the Registrar's office and some by the recent appointment of a junior officer of the Indian Civil Service to be Deputy Registrar of Co-operative Societies. The strengthening of the departmental staff accounts for Rs. 1,10,000. As members will remember, the Government of India have offered under certain conditions to place various sums at the disposal of Local Governments for co-operative training and teaching. One of the conditions was that steps should be taken for strengthening the departmental staff. On a consideration of the strength maintained with reference to the requirements of efficiency, Government have come to the conclusion that they should work up to a staff of 16 Assistant Registrars and Divisional Auditors with 118 Inspectors and the appropriate clerical and menial staff. This involves addition to the existing staff of 11 Assistant Registrars and Divisional Auditors and of 34 Inspectors as well as clerks and peons on a suitable scale. In view of the financial condition of the province, however, Government have not felt themselves able to effect the whole increase at once. The additional Rs. 1,10 lakhs which this House is being asked to vote will cover an additional establishment of 5 Assistant Registrars and Divisional Auditors and of 34 Inspectors with a proportionate increase in the clerks and peons. This will leave 6 Assistant Registrars and Divisional Auditors to be later appointed if and when the financial condition makes it possible to complete the expansion of the staff. The instalment proposed for the coming year will bring up the number of Inspectors to the total contemplated in the scheme and will double the numbers of Assistant Registrars and Divisional Auditors, thus bringing the number of these officers up to Mr. M. L. Darling's recommendation for immediate expansion.

I shall mention only briefly the two remaining projects: These are being financed by the Government of India, and no final decision has yet been reached upon their details. The scheme of training will

be worked out with a grant of Rs. 3,15,750 with which I hope that it will be possible during the course of five years to train the whole of the existing departmental staff as well as new men recruited, not only to effect the expansion to which I have already made reference, but also to fill such vacancies as normally occur during that period. In the scheme under consideration, provision is also made for the training of the paid staff of central banks on the conclusion of which confidence can be felt that no paid Manager or Secretary and no Supervisor is employed who is not qualified for his duties by having successfully come through a course of both practical and theoretical instruction. There is also provision for the training of a number of panchayats, office-bearers and members of the primary societies. When the scheme has been brought to a conclusion, it will be possible to hope that co-operative principles will be so well engrained in so large a body of co-operative workers that mistakes which may have occurred in the past will to a very great extent be avoided in the future. I hope that the inception of the scheme of training will not be delayed beyond the end of the current calendar year.

The House will remember that its approval was last year obtained to the allocation of Rs. 50,000 from the Government of India's grant for rural reconstruction to the organisation of a jute and a paddy sale society on co-operative lines. These societies will be experiments and the proposals for them are still under consideration. I do not think that a decision on them will be long delayed, but I am sure that the House is with me in deprecating hasty action, particularly with regard to the jute sale society. The co-operative movement suffered a most serious setback from the last organisation of jute sale societies, and apart from the inherent difficulties of organising co-operative sale on any scale in the existing conditions of the trade, it is very important that the experiment should be inaugurated in circumstances which give it as good a chance of success as can be reasonably assured. If success cannot be assured, Government will be prudent to restrict as much as possible the scope for failure, because further spectacular failures might do irretrievable damage to the future possibilities of co-operative organisation in this trade.

Motions for reduction.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I beg to move that the demand of Rs. 57,500 under the head "34A—Agriculture—(*a*)—Superintendence" be reduced by Rs. 100 (marketing of agricultural products).

Sir, considering the short time that is at the disposal of the House to discuss the many motions that have been tabled under this head, I shall be very brief in my motion. While there has been some awakening on the part of the Government and while some activities

are evident in order to strengthen the economic position of the agriculturists by introducing some new crops as well as by restricting the jute crop, for which a large amount of money has been spent by Government, I think that there is one factor in the whole scheme of economic improvement of the position of the agriculturists by raising the prices of agricultural products which is very essential and which ought not to be ignored. It is for that reason that at this stage I draw the attention of Government to this point. It is well known that in many parts of Bengal the outlying areas are at a great disadvantage in bringing their products to the market and the local centres of trade and commerce. It will be found that within a distance of 8 or 10 miles from the local centres, it requires a very considerable amount of money in order to bring the agricultural products to the markets, the transportation charges being very high. If I may be permitted to refer to one item only, viz., jute, I have found from my own experience that to cover a distance of 8 to 10 miles in some areas the agriculturists have got to suffer a loss of something like eight annas to one rupee per maund. This is on account of the fact that there are no good roads, and that in some parts there are no roads at all for carrying these goods from the localities where they are produced to the nearest market; pack horses and coolies charge abnormally high prices on account of the situation of the agriculturists in those localities. The result is a very great difference between the prices which the agriculturists actually get and those for which the commodities are sold in the nearest market. In olden times, when most of the roads were built in the districts, this question was never considered; in fact, there was no occasion to consider the question as to how far the roads would lead to the development of agriculture. In modern times, we cannot, and we ought not, to overlook this fact if the intention is to bring the highest price obtainable into the pockets of the agriculturists. Exploitation by the middle-men should be put a stop to if agriculture is to be encouraged, and if it is to be made really paying to the agriculturists, so far, at least, as the money-bringing crops are concerned. There are places where the district board roads run paralled to the railway lines, and, consequently, these roads serve no purpose whatsoever in the matter of serving the interests of the agriculturists. The road board also do not care, and it is not their function, we understand, to take into consideration the interest of the agriculturists, and they are not out to serve the interest of the rural areas. It is, therefore, high time that this particular point should receive the consideration which it deserves. I would ask Government to have something like a marketing board in order to consider both sides of the question. First of all, the question is to bring the agricultural produce at the lowest possible cost to the nearest centre of trade and commerce; and then comes the question of transport to the main centres in the province

from the local centres. The latter, of course, depends on railways and, as we know, the railways often do not serve the real interest of the people. The freight charged by them are sometimes too high, and I know in some cases they do not pay any regard to the miles over which goods are carried but the same rate is fixed for several stations; it does not matter at what distances they are from the destination. The railway ought to be impressed as regards their duty towards the people in the interest of agriculture, and it will also be the duty of the suggested board to call for reports from the district boards and local boards. As regards the condition of a particular area, the Government Department of Agriculture and the Public Works Department as well as the Local Self-Government Department should work in co-ordination in order to bring about this much desired result, that is, increasing the transport facilities in rural areas. Unless this is done, much of the good results which might otherwise be expected from the activities of the local officers, or from the Agriculture Department, will be lost to the villagers. It is with this end in view that I have raised this question in this House. I do not draw my inspiration from theorists nor from agricultural economists, but I draw my inspiration from my own experience, and I hope that the members of this House will agree with me that the attention of the department should be directed towards this matter as soon as possible. With these words, Sir, I commend my motion to the acceptance of the House.

Dr. NARESH CHANDRA SEN GUPTA: I whole-heartedly support this motion, but I would not confine myself within the narrow limits within which my hon'ble friend the mover has confined himself. The question of marketing of crops is of the utmost value to the economic life of the province, but it is not so narrow a question as my friend conceives. It embraces a wider field. I was listening to the speech of the Hon'ble Minister in moving this demand for finding out exactly the programme that he has before him with regard to the marketing of agricultural produce and allied matters. I was surprised, however, to find that Government is still only *considering* the question of co-operative sale societies. They are still *considering* how to utilise the grant which was made to the Agriculture Department out of the Government of India grant of Rs. 16 lakhs last year. We are now again looking forward to get another Rs. 16 lakhs, if we can rely upon the speech of Sir James Grigg with which he introduced the Budget. Government are nervous, lest they should be hasty; lest they should be led off to schemes which would prove unprofitable and wasteful in the long run. And in this connection, they always hold up before their eyes the picture of the now defunct jute sale societies, just to frighten themselves out of any courageous adventure or of doing anything at all. Sir, I am not against caution, but caution has its limits. To say that,

when the Government of Bengal in their Agriculture Department have got a substantial grant for a definite purpose—for the improvement of agriculture—they had no scheme ready, nothing that they could lay their hands on, and upon which they could utilise the money, within the course of the year, is a shame and disgrace upon the department. It is not a fact that this matter has never been thought of. There were numerous conferences held in connection with co-operative jute sale societies; numerous matters were discussed; numerous resolutions were passed, reports prepared, and recommendations made; these furnish us a literature from which a man who wants to work out a scheme would find a scheme almost ready-made. Then, there was the Jute Enquiry Committee which went into the question of marketing of crops. It is true that that Enquiry Committee did not agree in their recommendations. But if the Government would only cease to count the heads of members for and against any particular proposal, they would find that they had before them concrete proposals made in the various parts of the report with regard to marketing of jute, and Government should have had no difficulty in finding out their own solution on the basis of those findings. As I have already said, Sir, it is a shame and disgrace upon the department to confess to the world that when they got several lakhs of rupees to spend, the department was helpless in finding out some means for utilising that money even a year after the grant.

With regard to co-operative jute sale societies, the only thing that comes uppermost in the minds of the department seems to be the jute sale societies of the past. We have been told over and over again in this House that the old jute sale societies failed. There is no doubt about that. We all know that they failed What that failure was due to is more or less well known. But prudent business man would build upon those failures by avoiding the pitfalls of those old societies and not go on cogitating over it for six years and more. What were the causes that led to the failure of the old jute sale societies? I cannot go into that question very fully, because the inner history of that affair has been closed to the eyes of the public. It has never been published. But one can say that, first of all, those sale societies were not based on co-operative principles at all. If they had been co-operatively based, if they had been built upon the basis of the co-operation of the agriculturists who produce jute, and if it had established a contact between the agriculturists and the mills in Calcutta, I do not think that those societies would have failed. Then, again, if you are satisfied that because those societies were so large, therefore they failed, even then, assuming that to be true, why not start sale societies on a smaller scale? We have had small scale co-operative societies in the past, and while some failed, others succeeded in part, and we have got their lessons before us; why not, therefore, build upon those lessons? The Hon'ble Minister has not enlightened us as to why their examples have not been

followed and improved upon. He has not told us wherein that failure lay, and what Government have decided to do in respect of the new schemes that they are formulating. As a matter of fact, it appears that they have not yet formulated a scheme; they have not yet prepared even a tentative scheme, if we are to believe the Hon'ble Minister. Then, again, with regard to jute there is a large amount of speculation which may make it risky for co-operative societies to take it up, but the element of speculation can be eliminated, and it has been eliminated elsewhere, and Government may make an attempt at eliminating it here. Supposing, on behalf of the co-operative societies, they enter into forward contracts, and on the basis of those forward contracts, they proceed to regulate the production of jute through co-operative societies so that all the produce of the societies will be sold up as soon as they are harvested. In that case, I submit that the element of speculation and uncertainty would be practically nil. But what the Government have been doing is only to be found in the archives of the department and the people are kept in the dark. We have only been told that they will take action when their consideration will be over. In the meantime, the agriculturists will die out.

Then, Sir, jute sale societies are not the only things. The element of speculation is absolutely nil in the case of paddy. But what about paddy sale societies? Why have they not been developed? Why is not a go-ahead policy taken up in this case? The Hon'ble Minister had nothing to say in regard to that in his opening speech, and I hope he will enlighten us as to why some of the paddy sale societies have died out, and what Government are going to do with these paddy sale societies.

Then, Sir, co-operative marketing is not the only thing about marketing. With regard to the marketing of crops, the Jute Enquiry Committee made one recommendation, and on that question there was practically speaking no difference of opinion—that for having regulated markets. Attention was drawn in the report of the committee to the enormous amount of good which has been done to the cotton-growers of Berar by the introduction of regulated markets. The problems in Bengal in regard to jute are very nearly the same as the problems of cotton in Berar. The Jute Enquiry Committee differed amongst themselves with regard to the extent to which the experiment should be carried out, but they were unanimous that an immediate move should be made for the establishment of regulated markets. Why have the Government done nothing yet with regard to that? Why could not the Government utilise the grant last year, when they had no other scheme in hand, for establishing regulated markets? I pause for an answer. Why cannot they have a regulated market at least as an experiment? I should like to have a number of such markets established and established all over the jute area. At any rate, let them make a beginning in the terms of the recommendation of the majority of the Jute Enquiry

Committee. We have not heard anything from any responsible source why the recommendations of the Jute Enquiry Committee cannot be accepted. Personally, my mind usually runs on high rails. I am thinking not of the small efforts but a great economic organisation by which all the agricultural resources of the country can be developed to the utmost and marketing facilities established, to dispose of the agricultural products of the country, incidentally to regulate the production so as to bring utmost benefit to the people. For that purpose, in order to facilitate marketing, we will have to deal with the question of transport and question of freights and other things. These are things which have not been considered in the past and about which Government have practically done nothing.

My hon'ble friend Mr Ray Chowdhury spoke in deprecating terms about the theorists and agricultural economists and he apparently gave us sound practical common-sense which theorists and economists would not advance. The theorists and agricultural economists are also men of common-sense, and what they evolve are things drawn from experience. I prefer to follow men who have made a study of these problems as a special vocation than a man of the street who arrives at his conclusions on the spur of the moment upon half-a-dozen facts which come to his notice. I would like that the Hon'ble Minister would kindly step out of the limits of his official house and make friends with those theorists and economists and ask them to help to find out a solution of the problem which Government have found it so difficult to solve in so many months since they got the grant from the Government of India. This lethargy of the Government, this traditional do-nothingness, this manifestation of what Dickens characterised as "how not to do a thing" will not do if you want to save the country from utter ruin.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Sir, if I am not mistaken, my honourable friend, Mr. Ray Chaudhuri, has tried to make out that improved transport facilities in rural areas will result in raising the prices which the agriculturists get for their produce. It is recognised that improved road communications and transport facilities are essentially necessary for the internal movement of commodities and indeed much has already been done in this direction. But those who possess some knowledge of rural economy must be aware that there are other factors which govern the price obtained by the actual cultivator for his produce. The cultivator is generally a man of small means and he cannot afford to hold the market to his own advantage, and he is also not unoften in the hands of unscrupulous money-lenders who advance money on the hypothecation of the standing crop. The remedy, therefore, lies in the organisation of the agriculturists and this is what the Co-operative Department is striving for.

Dr. Sen Gupta, however, is in a most venturesome mood; and he has fallen foul of Government for the delay in working out schemes for jute and paddy sale societies. While fully appreciating his robust optimism, I would deprecate his tendency to rush matters. Government cannot afford to go about this business in a light-hearted or amateurish manner after what they have learnt from their recent experience, owing to the failure of jute sale societies. If the jute sale societies had not been closed, the entire structure of the co-operative movement would have collapsed. At that time, Dr. Sen Gupta was one of those who accused us. Therefore it is only on the shoulders of Government that the entire responsibility for the successful issue of such a scheme lies. I would, therefore, beg my honourable friend to have patience.

With these words, I oppose the motion.

The motion was then put and lost.

Maulvi TAMIZUDDIN KHAN: Sir, I beg to move that the demand of Rs. 57,500 under the head "34A—Agriculture (Transferred)—Superintendence" be reduced by Rs. 100.

Sir, I move this motion only to give an opportunity to the Hon'ble Minister to explain the attitude of Government with regard to this matter. The question that arises is the question of desirability of fixing a minimum price for sugarcane. It appears that nowadays the Government of Bengal generally do not take any initiative in a new matter, but at least, it can be expected that our Government may not be reluctant to follow the example of other Governments. We all know that the Government of the United Provinces and the Government of Bihar and Orissa have fixed a minimum price for sugarcane, but our Government have been procrastinating so far. In the last session of the Council I asked a question on this subject, and the Hon'ble Minister replied that he was considering the desirability of appointing a committee to go into the matter. I do not know whether a committee has been appointed by this time. The popular idea is that whenever Government is willing to shelve a matter, they appoint a committee to consider the thing. I do not know whether such has been the case in the present instance also. Everyone knows that the question of sugarcane has assumed a very great importance of late on account of the fact that Government are trying to restrict the cultivation of jute. If actually the cultivation of jute is restricted, the question arises: What is to be done with the area that is released on account of such restriction of jute? Government recommend that the released areas should, as far as possible, be utilised in growing sugarcane, and naturally our cultivators are growing more sugarcane than before. What is

to be done with this sugarcane? In Bengal there are very few mills to consume the sugarcane that is grown in the province. In other provinces there are many mills. The Governments of those provinces always encourage the establishment of more mills, whereas our Government have done nothing whatsoever so far as this question is concerned. They have altogether lost sight of the consumption side of the question. However, that is a different thing The simple question that now arises is: How are the growers of sugarcane to get better price for their products? Is the Government going to do anything in the matter? Is the Government going to fix a minimum price for sugarcane? These are the questions I would ask the Hon'ble Minister to answer.

Maulvi HASSAN ALI: Only a few months ago I raised this question, perhaps for the first time, by way of a resolution, and the Hon'ble Minister gave me the assurance that he would enquire into the matter of fixing a minimum price for sugarcane. It is becoming a growing problem day by day in consequence of the jute restriction propaganda. There are three big mills now working in Bengal—one at Beldanga, in Murshidabad, another at Setabganj in Dinajpur, and another at Gopalpur in Rajshahi district. These mills are owned by millionaire capitalists, and they are up for profiteering. They are controlling the price of sugarcane in various ways—they advance loans and do a lot of other things to control prices; so the cultivators of sugarcane are at their mercy with regard to prices. Government ought to have taken serious steps to protect the cultivators from exploitation by this time. It is very regrettable that the Hon'ble Minister has taken no step whatever in this mater. I now ask: What is the result of the enquiry, if he has made any at all?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Sir, I may assure the House that Government are not unmindful of the interest of the sugarcane growers in Bengal. Enquiries instituted revealed a difference of opinion among the local officers on the question of fixing a minimum price for sugarcane. A Committee has since been appointed to go into the whole question and to advise Government in the matter. It is hoped that the Committee will finish its labours within a short time and make specific recommendations. Government will not lose sight of this problem and will do their best to solve it. I trust my hon'ble friend will see his way to withdraw the motion; otherwise, Government must oppose it.

The motion was then, by leave of the Council, withdrawn.

Maulvi TAMIZUDDIN KHAN: I beg to move that the demand of Rs. 57,500 under the head "34A—Agriculture (Transferred)—Superintendence" be reduced by Rs. 100.

Sir, the question that I want to raise is a vexed one. The question of restricting the cultivation of jute by legislation and fixing a minimum price for the same has been discussed on the floor of this House on various occasions and hon'ble members must be tired of the arguments that have hitherto been advanced either in favour of or against such a proposition. All that I want to say is that Government in the beginning of the year did not seem to be so very serious as regards its purpose to carry on voluntary propaganda with a view to restrict the cultivation of jute. It appears that of late Government have made amends, and it appears that Government are quite up and doing just now, but several circumstances appear to be against Government this year. We do not know how much of the restriction that was effected last year was due to the propaganda made by Government in co-operation with the people of the country. There is a large volume of opinion that holds that a good deal of the success was due to the weather conditions that prevailed last year. There were no timely rains and so cultivators could not do their sowings as in other years. That was a very favourable circumstance. But this year, as reports go, there have already been showers in some jute-growing areas and already a large area has been sown. That is a thing which is, I think, against the propaganda that we are going to do this year. Of course, if Government were as serious some months ago as they are now, I think this question would not have arisen at all. Another thing is that there are various disadvantages of this voluntary propaganda. As a result of the propaganda that was carried last year, whatever restrictions may have been effected, was confined almost entirely amongst the poorer section of the cultivators. The bigger or the *mathar* cultivators almost invariably sowed as much jute as in other years, if not more, and the result was that on account of rise in the price of jute these *mathar* cultivators have earned good profits, whereas the poorer section of the jute-growers who actually carried out the advice of Government lost a good deal. This has created discontent amongst the poorer cultivators, and this discontent will be a stumbling block to the success of this year's voluntary propaganda. This is a factor which it is not possible for Government to cope with. That is an inherent defect of this voluntary propaganda. Personally, I for myself am very doubtful whether voluntary propaganda will succeed during the coming year. Even if it succeeds during the coming year to a certain extent, gradually people will lose faith in this voluntary propaganda. We cannot always depend upon the good sense of the people, when questions of loss and gain are concerned. In things like this where there are questions of profit and loss, people generally fall a prey to the temptation of increasing their profits. We therefore cannot blame the people if they do not abide by the sermons preached to them by Government. In a matter like this, it is necessary that proper legislation should be adopted, so that restriction may be carried

out by compulsion. I am not opposed to the voluntary propaganda that Government intend to carry on this year, but my submission is that Government should take note of the fact that this voluntary propaganda may not carry us to our goal. Even if we can do without legislation during the coming year, it is certain that legislation will be necessary a year hence. Are we preparing ourselves for that eventuality? Certainly not. If voluntary propaganda fails next year, then after the lapse of one more year, Government will begin to think what is to be done. In that case I think a good deal of time will be lost in vain, and we do not know whether actually the restrictions that we want to effect in the cultivation of jute will be effected in the near future. I think this is a question which should engage the attention of Government. Along with this, the question of fixing a minimum price for this commodity also comes up. This question was raised in the form of a resolution some time ago, but unfortunately that resolution was defective and could not be supported because the question of restricting the cultivation of jute by legislation was not incorporated in that resolution. Fixing a minimum price without restricting cultivation was unthinkable. I think on account of this defect that resolution was lost. However, the fixing of a suitable minimum price is a very important question. Unless that is done, the cultivator will not be able to get the proper price of his produce. I, therefore, think that Government should visualise the possibility of there being a necessity for compulsory restriction and also the necessity of fixing a minimum price of this commodity. Our ultimate object should be, as Dr. Sen Gupta has pointed out, that the whole quantity of the produce of the province should be brought under one Central organisation, so that Bengal may actually reap the benefit of a monopoly in this commodity which it has only in theory. Bengal does not actually enjoy it. Bengal will enjoy the benefit of the monopoly, if Government can take proper steps to organise the whole jute industry and bring the whole produce under one Central organisation, so that the crop might be disposed of from the Central organisation. That is no doubt a big order. I do not say that it will be possible within a very short time for the Government to give effect to such a scheme. But it is a thing which will have to be done, and it is a thing which, if not done, will deprive Bengal of the immense benefits of a great monopoly. I commend my motion to the acceptance of the House.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, I support the motion without making any speech.

Dr. NARESH CHANDRA SEN GUPTA: It is said of an English king that he began telling a tale that he was present in the battle of

Waterloo. He repeated this over and over again in many places till he actually began to believe that he was present and on one occasion he said that story to the Duke of Wellington himself. The Hon'ble Minister has during the past few months so often repeated the story that all the great improvements that have taken place in the price of jute were due to his voluntary jute restriction propaganda that I think by this time he is firmly convinced that it was so! Nevertheless, I wish to submit with all the humility that I can command that there are certain facts which militate against that view. There is no doubt that there was the voluntary restriction scheme, and there is no doubt that there was a slight rise in the price of jute. There is no question about that. So that if it is *post hoc, ergo propter hoc*, the claim of the Hon'ble Minister is justified. But there is this thing, that this voluntary restriction scheme was not in force in Bihar and Orissa. How is it that the figures of Bihar and Orissa do not exceed the percentage of jute reaped in Bengal? That is one important fact, Then, you have got to take into consideration the fact that the bad weather conditions last year did not precede but followed the voluntary propaganda. If natural courses count for anything one can imagine that, but for the bad weather conditions the produce would have been larger than it actually was. Therefore, *primâ facie* I think it can be said that far too much has been claimed for the voluntary propaganda. I do not want to deprecate voluntary propaganda. All that Government did last year they did with a good will, but so far as the results go I am afraid far too much has been claimed for it. Then, there was that all-important fact—the fact of the miserably low prices of jute at the time of the sowing last year. When jute was selling at Rs. 2 a maund, it did not take much urging to induce the cultivator to grow less jute. Then when jute became less profitable, the cultivator could easily be induced to forego the cultivation of an increased area of jute. This year the prices are better, and already the cultivator has been heard to regret that he did not grow a little more jute than last year. If he did, he thinks, he would get more money. And reports have already reached us that having regard to recent showers and the promising weather conditions, cultivators were prepared to sow more jute. I would like to congratulate the Hon'ble Minister next year if in spite of these circumstances, his voluntary propaganda of this year succeeded as a whole as it did last year. I have nothing to say against the voluntary propaganda this year either, because this year at any rate with the sowing season on us, there is nothing else that can be done. All that you can do is to put your whole heart into this business of voluntary restriction of jute, and I trust that, as happened last year according to my information, this voluntary restriction scheme will not be purely voluntary. It is idle to pretend that the whole thing was voluntary. The cultivator, in fact, was impressed by the great prestige of the Government who were asking them not to

grow jute beyond a certain percentage, but, what is more, we actually know of cases when orders were issued by some officers that if any cultivator grew more jute than what he agreed to grow, his name would be reported to the Magistrate. That, Sir, is not exactly voluntary restriction, but I do not blame anybody for it. I wish that even this year it would be no more voluntary than it was last year. But there is one defect about the voluntary restriction, as has been pointed out by my friend Maulvi Tamizuddin Khan, that it is not equal, viz., that the burden of restriction does not fall equally upon all. As a matter of fact, the restriction falls more heavily upon the poorer people than upon the wealthy and influential people. That is the one serious defect about the voluntary scheme, even though it were to be altogether successful. I think, however, that Government may go on with their voluntary restriction now, but let them be prepared for legislative restriction next year. Let them start work for that purpose now. At any rate, let them collect materials on which they will have to decide whether there should be legislative restriction next year, and the first preliminary for that would be to have definite, reliable, and absolutely unimpeachable data as to the area that is to be sown with jute. I asked for such a survey and a register of jute lands years ago, when I introduced my ill-fated Bill on jute restriction. Since then, I have not ceased to press upon the Government the necessity of having a complete register of jute lands, which can be easily compiled. When the jute crop is on the land, if an officer is appointed for each union board and if he goes round in every union and takes the cadastral survey numbers of the lands actually under jute, he would have an absolutely exact return of the quantity of land under jute this year. This would form the basis of any enquiry that might be held. I know that this scheme is not acceptable to Government, because it is not sufficiently expensive! I know, too, that when the Jute Enquiry Committee were asked to endorse the scheme, they did not do so. I know that a suggestion was made by somebody for an aerial survey of jute lands, and the cost thereof was estimated at something like Rs. 30 lakhs, but I am not precise about my figure! Sir, I insist that if these officers when they go round for the purpose of propagating jute restriction, organize a band of workers for the purpose of collecting data of the amount of land under jute, it would be easy enough to have a complete register of jute lands, so that, before the season comes on next year, Government would have ready at hand an amount of reliable material upon which to proceed in their programme. At the present moment, however, we are, more or less, in the dark. Last year, when the jute restriction propaganda was started on the basis of a 5-anna reduction, it was found, as a matter of fact, that the figures which were given in the official reports with regard to some particular areas did not actually agree with the facts. I want that Government should not proceed on some *andazi* figures,

viz., figures which are, more or less, a guess-work, but upon definite data. I submit that Government should make up their minds to have compulsory restriction of jute next year and should proceed on the basis of collecting these materials before it is too late, *i.e.*, within the season, when the jute is on the land. When I introduced my Bill in this House I heard arguments——

Mr. PRESIDENT: Order, order. I am afraid I shall have to adjourn the Council now for prayer.

(The Council was then adjourned for fifteen minutes.)

(After Adjournment.)

(The Council reassembled with Mr. Deputy President in Chair.)

(The time allotted for the discussion of demand No. 34—"Agriculture" having been reached, further discussion of the subject was closed.)

The motion of Maulvi Tamizuddin Khan was then put and lost.

The motion of the Hon'ble Minister that a sum of Rs. 23,67,000 be granted for expenditure under the head "34—Agriculture" was then put and agreed to.

35—Industries.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 13,87,000 be granted for expenditure under the head "35—Industries."

There appears to be considerable misapprehension in the public mind, as reflected in this House as well as in the Press, of the real scope of, and the part played by, the Industries Department in the industrial development of the province. As much of the criticism levelled at this nation-building department is due to an inadequate appreciation of its activity, I crave the indulgence of this House to state at some length what the department, constituted as it is at present, aims at, how it has been striving to achieve the object in view, and what have been the results. In doing so, I propose to confine myself to a résumé of the activities of the department for the past few years during which I have been closely associated with it as Minister in charge. But, as the hon'ble members are aware, these years have been years of stress and difficulty, owing to the universal economic depression which prevailed almost throughout the period.

Although the financial stringency has unfortunately proved a serious handicap to the work of development, there has been, as I shall presently show, no change in the industrial policy of Government, and the progress in the several spheres has not only been maintained, but also increased.

The main objective has been the development of industries with particular reference to home or small scale industries, and the activities of the department fall under the following broad divisions:—

(1) Collection and dissemination of useful and up-to-date information on commercial and industrial matters.

(2) Research and experiments.

(3) Demonstration and propaganda.

(4) Provision for technical and industrial education.

(5) Provision of credit facilities to industrialists who are financially handicapped.

Turning to the first objective, namely, the collection and dissemination of commercial and industrial intelligence, I may say that although owing to lack of funds it has not yet been possible to create a regular commercial and industrial branch every possible effort is made, with such staff as is available, to collect and compile useful commercial and industrial information. The Report on the Survey of Cottage Industries in Bengal was revised and brought up to date and a second edition published in 1929. The preparation of an industrial directory giving the names, location, scope and principal manufactures of the smaller industries of the province has been taken in hand and an instalment of it already prepared. It is hoped to publish the directory in a short time. The department has published 28 fresh bulletins embodying the results of investigations and experiments on various industrial problems during the period. A large number of requests for industrial and commercial information relating principally to sources and supply of materials, manufactured articles, apparatus, names of dealers and sellers, prices of machinery, possible purchases, likely markets, etc., is also received from the departments of Government as well as from private individuals and, as far as possible, attended to.

As regards the second objective, namely, research and experiments, too much emphasis cannot be laid on their importance, as they are the essential preliminaries to all industrial development. In order to facilitate this work, the industrial research laboratory, which was established in 1926, has been equipped for tackling the problems suggested by small industries—the problems varying from an assessment of the industrial value of possible raw materials to practical difficulties regarding highly complicated manufacturing

processes. The department has also taken up problems the satisfactory solution of which is expected to lead to the establishment of new industries or the strengthening and expansion of the existing ones. In the Chemical Section researches were undertaken and carried to a conclusion in diverse subjects and definite results obtained in 21 cases during the period under review. Of these, 9 related to improved methods of soap manufacture, particularly of the grained type of soap special to Bengal, 6 to the industrial utilisation of the less-known vegetable oils specially in the soap industry, 1 to the improvement of the country process of making sugar from *gur*, 1 to the refining of *ghee* and another to that of cocoanut oil, 1 to the silvering of glass globes, 1 to the bleaching of hosiery and 1 to the possibility of recovery of tanning from cocoanut husk. One of the results of research on the technique of soap manufacture was the discovery of a chemical constant to which the name of "Hardness Number" ("H.N.") has been given and with the help of which the hardness of the body of a charge of soap can be fixed or varied with greater accuracy than is possible with any other aid available to soap manufacturers. It is encouraging to find that progressive manufacturers have already started using "H.N." The researches on oilseed manufacturing methods of shellac have also led to remarkable results.

In the Engineering Section the problem relating to the development and improvement of cottage craft and small industries has been engaging special attention. A number of investigations with successful results were made in the brass and bell-metal industry with a view to standardize the manufacture of less complicated building and sanitary fittings. A new blowing arrangement has been designed, making it possible to attain a higher furnace temperature, thus reducing the time of melting the ingredients of alloy. A new type of floor furnace has also been designed. In connection with the umbrella industry a number of experiments was concluded in standardizing the process of using polo and root canes for umbrella handles. A double chamber furnace with natural draught has been designed for the cutlery industry, while sustained efforts were made to improve the manufacture of glazy pottery. An improved type of potter's wheel has been devised, as also an improved kiln for firing glazed pottery. A machine has been constructed for rolling out "slate pencils." A machine for paddy-husking has been invented which husks 2 maunds of paddy in 8 hours. Endeavours to design a plant for the drying of paddy after boiling and before husking have proved successful. A soap drying plant evolved on the same principle has resulted in reducing labour charges and removing the difficulty of drying soaps during the rains. Further improvements have been effected in the already devised conch-shell cutting machine. In the Government Weaving Institute at Serampore experiments were conducted in connection with dyeing, spinning and weaving of sisal

hemp and of bleaching and otherwise chemically treating jute fibre as also in connection with the manufacture of woollen shawls with fancy borders. Experiments were also made to soften the root ends of jute with a view to improving their spinning properties. The scheme for the development of handloom industry which is being worked through the co-operative organisations with the help of the Government of India grant provides for a textile research staff at the institute for the introduction and demonstration of improved designs, textures and finish. The staff is working in close collaboration with the Bengal Home Industries Association and is actively engaged in perfecting new designs for various types of fabrics. Some new designs, *e.g.*, a new weave with cellular effect for the purpose of ladies' dress material, ornamental jacquard designs for furnishing fabrics, have already been perfected and others taken in hand. In the Bengal Tanning Institute systematic research work is carried on practical problems relating to both mineral and vegetable processes of tanning as well as on the processes of manufacturing such varieties of leather as are of interest to the local tanning industry with the object of bringing local products up to the Western standard which the tanners of this country have to emulate and eventually reach to stand in competition.

Coming to demonstration, as the House is aware, we launched the unemployment relief scheme towards the close of the year 1932. Under this scheme 28 demonstration parties were established in the more important cottage industries, namely, jute and wool-weaving, soap-making, umbrella-making, brass and bell-metal ware, leather goods, cutlery and pottery. These are in addition to the seven parties, namely, five in cotton-weaving and two in tanning, which are already in existence. So far as the weaving industry is concerned, its possibilities are also demonstrated through the agency of the nine district and 25 peripatetic weaving schools. Provision has been made in the Budget now before the House for the establishment of two peripatetic weaving schools for the benefit of the Sonthals and other aboriginal tribes in the Barind tract of Malda district. It is interesting to note that as a result of the working of the demonstration parties and of the district and peripatetic weaving schools about 28,000 students have been trained in the respective industries, of whom more than 11,000 are known to have been provided with employment or have started business of their own. In pursuance of the scheme of rural uplift, four demonstration parties have been established with the help of the Government of India grant to demonstrate the possibilities of the coir industry as a profitable cottage industry.

In addition to the schemes in connection with the Unemployment Relief Scheme and those undertaken under the Government of India

grant for rural uplift, I may make a reference here to the work of the department in connection with Detenu Training Scheme, about which the Hon'ble Member, Political Department, gave a full account to the House very recently. That scheme, as members will remember, is in the immediate charge of the Deputy Director of Industries and is being administered by the Agriculture and Industries Department. The industrial training camps for detenus, of which there are now four and shortly will be seven, are modelled on the lines upon which the demonstration parties under the Unemployment Relief Scheme have already been working with considerable success.

Mr. DEPUTY PRESIDENT: I am afraid I have got to adjourn the Council.

Adjournment.

The Council was then adjourned till 3 p.m. on Thursday, the 26th March, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 26th March, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 92 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Office of the Upper Chamber of the Provincial Legislature.

*77. **Babu JITENDRALAL BANNERJEE:** (*a*). Will the Hon'ble Member in charge of the Appointment (Reforms) Department be pleased to state—

(*i*) whether it is intended to create a separate office of the Upper Chamber of the Provincial Legislature, or

(*ii*) whether there will be one joint office for both the Chambers?

(*b*) Are the Government considering the desirability of leaving the question to be dealt with by the Ministry that will come into existence under the Reforms?

MEMBER in charge of APPOINTMENT (REFORMS) DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) and (*b*) It is expected that, in the first instance, the staff of the Legislative Department will carry on the work of the Upper Chamber. Permanent arrangements will be made by the new Government.

Babu JITENDRALAL BANNERJEE: Is there any idea of having parliamentary draftsmen attached to the two Houses, not under the control of the two Houses but available for both Houses?

The Hon'ble Sir ROBERT REID: Government have not considered that point as yet.

'ending of liquor shops.

*78. **Dr. AMULYA RATAN GHOSE:** Will the Hon'ble Minister in charge of the Revenue (Excise) Department be pleased to lay on the table a statement showing year by year for the years from 1932 to 1936—

(*i*) the number of liquor shops (country) in Bengal;

(*ii*) the name and address of the owner of each such liquor shop;

(*iii*) how many—

(*a*) liquor shops (country),

(*b*) foreign liquor shops, and

(*c*) *tari* shops

are owned by Bengalis;

(*iv*) how many by non-Bengalis; and

(*v*) whether these non-Bengalis are Hindus or Muslims?

MINISTER in charge of REVENUE (EXCISE) DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*i*) to (*v*) Collection of the information required involves an expenditure which Government do not consider justified.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Minister be pleased to state whether it is not against the policy of Government to settle liquor shops with non-Bengalis?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Generally it is.

Typists and copyists of Civil, Criminal and Revenue Courts and Registration offices.

*79 and *80. **Dr. JOGENDRA CHANDRA CHAUDHURI and Mr. R. MAITI:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state what benefits are being given to those typists and copyists of Civil, Criminal and Revenue Courts and also of Registration offices, who have to retire under the new rule for retirement at the age of sixty years?

(*b*) In view of resolution carried in the Bengal Legislative Council on 31st August, 1921, regarding the typists and copyists, are their past services being taken into account at the time of their retirement?

(*c*) Will the Hon'ble Member be pleased to state how many memorials to the Government have been submitted up to date by the

typists and copyists since the resolution mentioned in (*b*) above was carried, and which of their grievances enumerated in those memorials have been removed and how?

(*d*) Will the Hon'ble Member be pleased to state what steps have been taken, or are being contemplated to be taken, to give effect to the assurances given by him on behalf of the Government, on the resolution regarding the typists and copyists moved by Babu Khetter Mohan Ray in the last July session of the Council?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) Typists and copyists are entitled to the benefits of the Contributory Provident Fund.

Copyists in the Registration offices are members of permanent establishment and retire under the provisions of the Fundamental Rules.

(*b*) The resolution was to the effect that they should be organised into a regular establishment; this has not been done.

(*c*) Memorials have been received but Government do not think any useful purpose will be served by finding out their number since 1921. A copy of a Resolution No. 6333J., dated the 17th July, 1929, which was issued on receipt of some memorials is, however, laid on the Library table.

In the case of Revenue Courts orders have been issued prohibiting the practice of allowing parties or their authorised agents to take pencil notes from records as it adversely affects the income of typists and copyists.

(*d*) The matter is still under investigation.

Typists and copyists of courts and Registration offices in Bengal.

***81 and *82. Dr. JOGENDRA CHANDRA CHAUDHURI and Mr. R. MAITI:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to say whether it is a fact that the remuneration and condition of service of the typists and copyists (permanent and temporary) of Civil, Criminal and Revenue Courts and also of Registration offices in Bengal could not be improved as yet owing to the lack of observance of Government and High Court circular orders regarding their new recruitment in the service?

(*b*) Will the Government be pleased to consider the desirability of retaining the services of these typists and copyists who are still fit for service on attainment of age of sixty years? If not, why not?

(*c*) Have Government considered the aspect that Provident Fund benefits in the case of typists and copyists may be too small to maintain them during the rest of their lives after their retirement?

(*d*) Is it not a fact that the typists and copyists are now to retire without any pension or sufficient gratuity, at the age of sixty years, irrespective of their fitness and capability?

(*e*) Is it not a fact that Government sometimes retain the services of its old servants due to retire by allowing them extension or extensions and also after retirement re-employ some of them in services temporarily on fresh pay over and above the pensions earned by them?

(*f*) Cannot this privilege be extended to these typists and copyists? If not, why not?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) No. The circulars are generally followed in the Civil, Criminal and Revenue Courts. Copyists in the Registration offices are either full time Government servants or occasional piece-rate workers.

(*b*) No. They will retire under the new rules in force. The sixty years' rule has not been applied in the case of extra copyists in the Registration Department; their service is not continuous.

(*c*) and (*d*) Yes.

(*e*) Yes, on unquestionable public grounds, but never beyond the age of sixty.

(*f*) No. It is not desirable.

Jagannath Intermediate College, Dacca.

*83. **Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) how many meetings of the Governing Body of the Jagannath Intermediate College, Dacca, were held within the last seven years; and

(*ii*) whether it is a fact that Rai S. K. Das Bahadur, M.L.C., submitted a note of dissent against the reappointment of the Principal?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the said note has been communicated to the Government?

(c) Is it a fact that the Principal does not allow the Government auditor to audit the accounts of the College hostel?

(d) What were the amounts spent respectively in the year 1934-35 under the head "Printing charges" in the (i) Jagannath Intermediate College and (ii) Dacca Intermediate College?

(e) What are the causes of the disparity of respective expenditure in these two colleges?

(f) Are all the printing works of the Jagannath Intermediate College done in the Sreenath Press?

(g) Is the Hon'ble Minister aware that the Principal is a *benamdar* proprietor of the said Press?

(h) Is it a fact that Government auditors were deputed to audit the accounts of the Jagannath Intermediate College for the years 1921-1926 and for 1926-27?

(i) Is it a fact that the College maintained two cash books for 13 months from May, 1926, to May, 1927, one being the original and the other being a copy of it?

(j) Is it a fact that the copy cash book was shown to the auditor who not finding the audit pencil marks against the entries for 1926 called for the original cash book?

(k) Is it a fact that by comparing together with the original cash book and its copy, the auditor found a good many interlineations and insertions in the latter?

(l) Is it a fact—

(i) that the College discontinued to keep a Fee Collection Register for a year from June, 1926; and

(ii) that at the instance of the auditor a Fee Collection Register for 1926-27 was subsequently prepared by the College office and placed before the auditor for inspection?

(m) Is it a fact that on inspection of the register the auditor found that a sum of Rs. 607 was not credited to the College accounts?

(n) If the answer to (m) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has been taken against the person or persons responsible for the defalcation?

(o) Is it a fact—

(i) that the Principal on joining the College got the Savings Bank Account of the Jagannath Intermediate College hostel transferred to his own name;

(ii) that he withdrew Rs. 100 from the said Savings Bank Account on the 31st May, 1922; and

(*iii*) that the money was not refunded till the accounts of the College were audited in 1926?

(*p*) Will the Hon'ble Minister be pleased to state—

(*i*) how many extensions have been granted to the Principal after his retirement from Government service; and

(*ii*) what is the length of each extension?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) (*i*) Eleven.

(*ii*) No, though he opposed the reappointment.

(*b*) Does not arise.

(*c*) No. Government do not consider that the audit of the messing accounts of the College hostel is necessary.

(*d*) (*i*) Rs. 605.

(*ii*) Rs. 122.

(*e*) In the case of (*i*) the figure represents the total cost of the year, while in (*ii*) it is the cost of printing at private presses alone, that at the Bengal Government Press not being known.

(*f*) No, but the bulk of the work is done there.

(*g*) The member is referred to the answer given to a similar question of his on the 22nd March, 1934.

(*h*) Yes.

(*i*) to (*n*). These are questions relating to matters of detail of the audit report and it is contrary to established practice to supply the information in question.

(*o*) (*i*), (*ii*) and (*iii*) Yes.

(*p*) (*i*) and (*ii*) The member is referred to the answer to a similar question of his given on the 22nd March, 1934.

Joint Stock Banks in Pabna.

***84. Mr. R. MAITI:** Will the Hon'ble Member in charge of the Commerce Department be pleased to state—

(*a*) How many Joint Stock Banks with their registered offices in district of Pabna are in (*i*) official liquidation, and (*ii*) liquidation under the supervision of the Calcutta High Court in accordance with the provisions of the Indian Companies Act, 1913?

(*b*) Will the Hon'ble Member be pleased to lay a statement on the table showing—

(*i*) names of such companies with authorised, subscribed and paid up capital of each;

(*ii*) when each of them went into liquidation;

(*iii*) name of the liquidators of each and their remunerations;

(*iv*) dividends, if any, paid either to the share-holders or depositors since each of them went into liquidation;

(*v*) how much of the assets realised and spent up to date in case of each of them;

(*vi*) whether accounts are being submitted by the liquidators regularly by each of them as required by High Court Rules;

(*vii*) monthly recurring expenses, sanctioned by the High Court, as establishment charges in case of each of them;

(*viii*) which of these companies (in liquidation) have opened accounts with the Imperial Bank of India and from when;

(*ix*) amounts remaining with the liquidators in suspense account in each case; and

(*x*) when liquidation proceedings of each of them are likely to be terminated and these companies dissolved?

(*c*) Is it not the principle of liquidation to dispose of the assets of the companies as early as possible and pay their depositors and creditors as much as possible?

(*d*) Have Government considered the factor that if liquidation proceedings are not terminated quickly, the entire assets of the companies are likely to be swallowed up in paying their necessary establishment charges?

(*e*) Will the Hon'ble Member be pleased to say whether he is considering the desirability of drawing the attention of the Hon'ble High Court to see that official liquidation proceedings are terminated as quickly as possible?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) and (*b*) A statement giving the desired information or such of it as is available is laid on the table.

(*c*) Yes.

(*d*) It is an accepted principle that liquidation proceedings should not be unnecessarily prolonged.

(*e*) No.

Statement referred to in the reply to clause (b) of starred question No. 84.

(i)	Name of Bank	Pabna Bank, Ltd.	Pabna Dhanbhandar, Ltd.	Pabna Union Bank, Ltd.	Pabna Model Co., Ltd. (Loan Office).
	Nature of Liquidation	By the Court	By the Court	Under the supervision of the Court.	By the Court.
	Capital—				
	Authorised	Rs. 20,000	Rs. 2,00,000	Rs. 1,00,000	Rs. 1,00,000.
	Subscribed	Rs. 20,000	Rs. 40,000	Rs. 30,000	Rs. 20,000.
	Paid up	Rs. 20,000	Rs. 40,000	Rs. 30,000	Rs. 20,000.
(ii)	Date on which the Bank went into liquidation.	23-2-1931	18-11-1929	11-4-1932	18-12-1930.
(iii)	Name of liquidator	Jnanendra Narayan Majumdar and Jogesh Chandra Bhowmik, Pabna.	Jnanendra Narayan Majumdar and Monmatha Nath Banerjee, Pabna.	Kshitish Chandra Chaki and Jogendra Nath Kar, Pabna.	Anath Bondhu Bhowmic and Provash Chandra Roy, Pabna.
	Remuneration of liquidator	5 per cent. of realisations.	5 per cent. of realisations.	As may be taxed and allowed by the Registrar, High Court, from time to time.	Not stated.
(iv)	Dividends paid since the date of going into liquidation.	Information not available.			
(v)	Assets realised	Rs. 70,529	Rs. 1,72,780	Rs. 45,226	Rs. 14,580.
	Amounts spent—				
	Liabilities paid	Rs. 23,227	Rs. 42,155	Rs. 4,900	Nil.
	Maintenance of properties or expenses of realisation.	Rs. 32,064	Rs. 90,629	Rs. 31,249	Rs. 722.
	Establishment	Rs. 5,459	Rs. 20,412	Rs. 8,255	Rs. 3,426.
	Liquidator's remuneration	Rs. 383	Rs. 1,763	Rs. 353	Nil.
	Liquidator's travelling expenses	Rs. 5,472	Rs. 7,778	Rs. 2,204	Rs. 3,760.
(vi)	If accounts are submitted regularly by the liquidators.	Yes, but late	Yes, but late	Yes	No.
(vii)	Monthly establishment charges sanctioned by the High Court	Rs. 176-8	Not stated	As allowed by the High Court.	Not stated.
(viii)	If accounts opened with the Imperial Bank of India.	No	No	No	Not stated.
(ix)	Amounts lying in suspense accounts with the liquidators.	Rs. 16-7-6	Rs. 425	Rs. 3-6-9	Rs. 56.
(x)	When liquidation is expected to be completed.	December 1937	August 1936	Not known	Not known.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Enforcement of the Bengal Municipal Act in Darjeeling area.

23. Mr. A. RAHEEM: Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) the reason for the delay in enforcement of the portion of the Bengal Municipal Act, relating to the Darjeeling area; and

(*ii*) when it is likely to be enforced?

The Hon'ble Sir BROJENDRA LAL MITTER: (*i*) and (*ii*) Notifications extending the Act to Darjeeling from 1st April, 1936, subject to certain modifications have been published in the *Calcutta Gazette* of 5th March, 1936.

Delay was only such as was necessary to settle the modifications in consultation with the local officers and municipalities concerned.

Typists and copyists in the Civil Courts of the 24-Parganas.

24 and 25. Dr. JOGENDRA CHANDRA CHAUDHURI and Mr. R. MAITI: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is not a fact that since the establishment of the Copying Department the typists and copyists in the civil courts of the District Judge of the 24-Parganas, like Government servants of inferior services, were allowed to continue in service so long as they were found fit irrespective of their age or length of service, inasmuch as they were not entitled to any pension or gratuity under the rules of that service?

(*b*) Is it not a fact that under instructions contained in High Court's General Letter No. 2, dated the 12th January, 1934, the services of six typists and copyists who were appointed substantively or temporarily after 1930 were dispensed with from the 1st March, 1934, to improve the standard of remuneration of typists and copyists in the district?

(*c*) Is it a fact that upon representations of some of these discharged typists and copyists, a letter was addressed to the District Judge by the Registrar, High Court, Appellate Side, to see whether there were any typists or copyists in the district unsuited for further employment on account of age or infirmity?

(*d*) Is it a fact that the Judge in charge of the Copying Department in the district actually found none so unsuited?

(*e*) Is it a fact that the District Judge was pleased to report to the Registrar in the negative?

(*f*) Will the Hon'ble Member be pleased to lay on the table a copy of the aforesaid letter? If not, why not?

(*g*) Is it a fact that upon further instructions from the Registrar, the District Judge had to find out typists and copyists attaining the age of sixty years to make room for three of them who had been discharged as aforesaid?

(*h*) Is it not a fact that the amount of work in the Copying Department was so large that three extra hands had to be employed, two of them being copyists and one a typist in addition to the reinstatement of the said three employees?

(*i*) Is it a fact that the extra hands employed are still in service to cope with the work?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) Typists and copyists used to be employed so long as they continued efficient.

(*b*) Yes, seven not six.

(*c*) Yes, on the representation of a typist.

(*d*), (*e*) and (*f*) The information sought for is of a confidential nature which Government are not prepared to disclose.

(*g*) Two typists and one copyist, who were over sixty years of age, were discharged to make room for three younger and more efficient men discharged before.

(*h*) The increase in work necessitated the employment of three extra copyists on a temporary basis.

(*i*) Yes.

Improvement in service conditions of copyists and typists.

26 and 27. Dr. JOGENDRA CHANDRA CHAUDHURI and Mr. R. MAITI: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that under High Court Rules and Circular Orders, 1918, Volume I, Chapter XII, no one but a licensed copyist or licensed typist is to be employed in the preparation of copies and typists providing their own typewriter machines should be given preference over copyists when fresh appointments are made?

(*b*) Is it a fact under the rules and circulars referred to above no distinction should be made between English and vernacular copyists and no person shall be licensed who is unable to copy both English and vernacular efficiently, legibly and with reasonable despatch and copyists whose work is inaccurate or in other respects unsatisfactory should be dispensed with?

(*c*) Is there any Government rule or High Court Circular applicable to the typists and copyists under which a typist or copyist is liable to be discharged from service on account of age limit? If so, will the Hon'ble Member be pleased to lay a copy of such rule or circular on the table?

(*d*) Is it a fact that Hon'ble Sir Abdur Rahim, the then Member in charge of the Judicial Department in 1921, held out hopes that the Government would try to improve the status of the typists and copyists and ameliorate their condition? Will the Government be pleased to state what improvements have been effected in their status since then?

(*e*) Is it not a fact that copying fee has been increased to 33 1/3 per cent. on folio basis since the year 1924?

(*f*) Will the Hon'ble Member be pleased to state from which source and to what extent, improvements, if any, in the conditions of the typists and copyists have been effected since the price of the folios was increased by the Government?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) and (*b*) The present rules in force are Nos. 662 to 665, Civil Rules and Orders, and are substantially to the effect stated.

(*c*) Yes. A copy of the circular has been placed on the Library table. The member is also referred to rule 665 (*3*), Civil Rules and Orders.

(*d*) No improvement in status has been effected; but if the member is referring to their earnings, then generally speaking it may be stated that there has been an improvement in the average earnings in 1935 over those for 1930-1934.

A Provident Fund has also been established.

(*e*) Yes.

(*f*) *Vide* reply to (*d*) above.

Retirement of the typists and copyists.

28 and 29. Dr. JOGENDRA CHANDRA CHAUDHURI and Mr. R. MAITI: (*a*) Will the Hon'ble Member in charge of the Judicial

Department be pleased to state whether it is a fact that the Hon'ble High Court has recently issued a circular enjoining upon the typists and copyists to retire on attainment of 60 years age?

(*b*) Is it a fact that at the time of appointment of the existing typists and copyists, the rule for retiring at the age of sixty years was not a condition of their service?

(*c*) Is it not a fact that many copyists served as such even up to the age of 70 to 80 years and were still found fit and capable?

(*d*) In view of hardship entailed on the typists and copyists by enforcement of sixty years' rule of retirement, are the Government considering the desirability of recommending to the Hon'ble High Court to exempt those typists and copyists from operation of this circular who were appointed before this circular was issued? If not, why not?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) Yes.

(*b*) They are not regular Government servants; there was no rule as to age of retirement but they have been and are liable to be dispensed with at any time. They are merely licensed as copyists or typists.

(*c*) Government have no such information.

(*d*) No. The question implies a claim to a status which never existed.

Copyists and typists of courts.

30 and 31. Dr. JOGENDRA CHANDRA CHAUDHURI and Mr. R. MAITI: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that when the price of a folio was 3 annas Government used to get a revenue of 8 annas and a copyist Re. 1 by selling eight folios?

(*b*) Is it a fact that by raising the price of folio from 3 annas to 4 annas, Government gets an extra revenue of 8 annas by selling eight folios, while copyist get a remuneration of Re. 1 by writing eight folios as before?

(*c*) Is it a fact that the typists and copyists contribute 1 anna from their remuneration of Re. 1 to the General Provident Fund and the Government pays to the Provident Fund a bonus of nine pies out of the extra revenue of 8 annas and remaining 7 annas and 3 pies is Government saving?

(d) Will the Hon'ble Member be pleased to lay on the table a statement showing—

(i) amounts paid by the Government as bonus to the General Provident Fund, and

(ii) savings made by the Government out of extra revenue of 8 annas since the institution of the Provident Fund in October, 1924, and up to March, 1935?

The Hon'ble Sir BROJENDRA LAL MITTER: (a) and (b) Previously the charge per folio was 3 annas, and it is now 4 annas. Out of this 4 annas, Government pay the copyist a remuneration at the rate of 2 annas per folio and have in addition to pay the cost of the stationery and the comparing and other incidental charges involved.

(c) Typists and copyists admitted to the Contributory Provident Fund are required to pay a minimum subscription at the rate of 6¼ per cent. of their emoluments. Government contribute to the Fund at the rate of 4 11/16 per cent. of their emoluments. As stated in the answer to questions (a) and (b), Government have to bear other charges besides the contribution to the Provident Fund.

(d) The information is not readily available and could not be obtained without a laborious enquiry which Government regret they are not prepared to undertake.

Typists and copyists of courts and Registration offices.

32 and 33. Dr. JOGENDRA CHANDRA CHAUDHURI and Mr. R. MAITI: (a) Will the Hon'ble Member in charge of the Judicial Department be pleased to state the number of (i) typists and (ii) copyists employed in the Civil, Criminal and Revenue Courts and Registration offices, respectively, of Bengal and the amount spent for their remuneration during the last three years?

(b) What has been the average income of each typist and copyist during the last three years?

(c) Will the Hon'ble Member be pleased to lay on the table a statement showing amounts received year by year as revenue by selling folios since its price was enhanced in the year 1924 and how much of this was spent as—

(i) remuneration to the typists and copyists,

(ii) bonus, and

(iii) comparing fees and for stationery?

(d) Is it not a fact that the system of making advances to the typists of civil courts for purchasing typewriters has been discontinued? If so, from when and why?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) Number of typists and copyists in civil courts—

	Typists.	Copyists.
1933	... 238	429
1934	... 218	402
1935	... 200	355

The rest of the information wanted is not readily available and cannot be obtained without a laborious enquiry which Government regret they are not prepared to undertake.

(*b*) A statement is laid on the table.

(*c*) The information asked for is not available and could not be obtained without a laborious enquiry which Government regret they are not prepared to undertake.

(*d*) Yes. Since 1933. This is inadmissible on account of some amendments of the Civil Account Code.

Statement showing the average monthly earnings of copyists and typists in civil courts during 1932, 1933 and 1934.

District.	Average earning of copyists.			Average earning of typists.		
	1932.	1933.	1934.	1932.	1933.	1934.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Bakarganj ..	34 9 0	31 6 0	43 1 0	43 3 0	37 7 0	48 3 9
Bankura ..	28 0 0	25 11 0	22 9 0	51 1 0	49 12 0	42 11 3
Birbhum ..	32 11 4	30 11 0	33 5 0	52 2 0	48 8 0	54 6 4
Burdwan ..	30 0 0	33 0 0	37 4 2	55 0 0	57 10 0	64 2 4
Chittagong ..	25 15 2	25 6 0	28 6 3	56 15 6	40 13 0	45 14 9
Dacca	26 13 8	23 2 0	29 10 8	40 12 3	35 13 0	47 13 8
Dinajpur ..	41 0 0	32 5 0	34 4 8	57 0 0	51 1 0	49 10 3
Faridpur ..	29 11 0	25 10 0	21 10 6	40 3 0	39 4 0	31 11 2
Hooghly ..	45 15 0	47 10 0	44 11 2	59 9 0	71 11 0	61 1 8
Jessore ..	24 0 0	21 0 0	18 13 4	51 12 0	30 13 0	28 1 10
Khulna ..	26 10 0	21 12 0	30 2 3	42 3 0	39 0 0	49 0 3
Midnapore ..	26 2 0	26 6 0	27 0 9	48 14 0	42 10 0	45 9 4
Murshidabad ..	38 8 0	40 2 0	50 5 9	59 11 0	57 3 0	57 11 8
Mymensingh ..	18 0 0	20 6 0	27 3 8	28 0 0	36 2 0	38 5 8
Nadia	25 11 6	23 14 0	24 6 0	37 15 0	37 7 0	38 7 7
Noakhali ..	37 12 0	31 3 0	31 9 7	54 2 0	42 1 0	46 7 1
Pabna and Bogra ..	20 0 0	21 9 0	21 11 5	33 0 0	31 5 0	33 5 8
Rajshahi and Malda	22 2 0	24 2 0	30 9 6	33 11 0	49 0 0	37 4 8
Rangpur ..	29 1 4	32 7 0	41 5 10	44 12 6	48 11 0	51 10 10
Tippera ..	17 13 0	18 3 0	21 3 2	26 10 0	25 9 0	28 14 8
24-Parganas ..	42 10 0	44 0 0	45 6 11	61 8 0	65 14 0	72 1 7

Statement shewing the average monthly earnings of a typist and a copyist in Revenue and Criminal courts during 1932, 1933 and 1934.

District.	Average earning of a typist.			Average earning of a copyist.		
	1932.	1933.	1934.	1932.	1933.	1934.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Bakarganj ..	25 11 0	31 10 0	38 4 0	26 7 0	20 12 0	21 8 0
Bankura ..	88 10 0	28 5 0	29 5 0	26 12 0	27 14 0	29 3 0
Birbhum ..	57 0 0	58 0 0	43 0 0	34 0 0	38 8 0	29 4 0
Bogra	35 15 0	30 11 0	32 15 0	17 9 0	19 2 0	19 10 0
Burdwan ..	44 5 0	44 10 0	42 8 0	35 10 0	33 12 0	34 14 0
Chittagong ..	55 8 0	54 0 0	45 0 0	27 8 0	28 8 0	30 8 0
Dacca	80 0 0	66 3 0	50 8 0	28 7 0	32 5 0	26 8 0
Dinajpur ..	29 1 0	25 13 0	28 4 0	24 10 0	22 14 0	44 9 0
Faridpur ..	45 9 0	44 15 0	48 1 0	24 4 0	33 5 0	32 5 0
Hooghly ..	69 2 0	62 9 0	59 9 0	51 9 0	39 13 0	36 9 0
Howrah ..	72 9 0	67 2 0	63 3 0	42 3 0	45 1 0	39 4 0
Jalpaiguri ..	50 7 0	42 2 0	44 10 0	27 0 0	21 0 0	40 0 0
Jessore .. .	45 12 0	40 0 0	41 0 0	52 4 0	50 8 0	27 0 0
Khulna ..	41 12 0	36 13 0	33 4 0	24 8 0	14 8 0	18 8 0
Malda .	40 9 0	31 0 0	48 10 0	26 14 0	18 4 0	17 8 0
Midnapore ..	39 6 0	42 7 0	44 4 0	24 0 0	23 2 0	30 7 0
Murshidabad ..	30 7 0	26 7 0	32 5 0	15 2 0	18 12 0	20 7 0
Mymensingh ..	27 2 0	24 9 0	32 4 0	21 2 0	21 7 0	26 11 0
Nadia	42 14 0	38 7 0	42 3 0	27 0 0	34 0 0	32 0 0
Noakhali ..	32 6 0	02 9 0	40 5 0	17 7 0	20 7 0	32 6 0
Pabna ..	29 3 0	29 1 0	26 7 0	19 7 0	20 8 0	22 4 0
Rajshahi ..	40 12 0	38 0 0	40 0 0	47 12 0	39 0 0	40 14 0
Rangpur ..	52 7 0	41 9 0	35 12 0	26 7 0	27 2 0	27 11 0
Tippera ..	40 0 0	48 0 0	51 0 0	10 14 0	20 8 0	28 10 0
24-Parganas ..	65 0 0	64 14 0	67 13 0	33 10 0	35 3 0	39 5 0
Darjeeling ..	22 0 0	18 4 0	27 8 0	22 0 0	18 4 0	27 12 0
Chittagong Hill Tracts.	49 5 0	35 8 0	21 0 0	24 6 0	24 1 0	14 0 0

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1936-37.

DEMANDS FOR GRANTS.

35—Industries.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I mention this only to show that the general industrial training scheme inaugurated by the department is capable of being expanded or adapted as circumstances require and as funds permit. Before I pass on to the

next item reference may be made to another important line of the department's activity, namely, participation in industrial exhibitions. I think it is quite unnecessary for me to dilate upon the commercial and industrial value of exhibitions. Only last year this House expressed their approval of the department's activity in this direction when they voted a grant of Rs. 9,000 for the purpose. Provision for the same amount has also been made in the next year's budget. The department participated in 35 small local industrial exhibitions during the period under review by giving practical demonstrations with lantern lectures in improved methods of weaving, dyeing, making of leather goods and also in labour-saving appliances designed by Technical officers. It also arranged exhibits in the demonstration train arranged by the Eastern Bengal Railway authorities. Government recently deputed a small staff with a selected assortment of handloom exhibits to participate in the All-India Handloom Weaving Exhibition held at Patna in February last to popularise the handloom products of this province. From reports recently received it appears that Bengal's exhibits were very highly appreciated. As many as 11 first class silver medals and 12 second class bronze medals and certificates were awarded to exhibits from Bengal. Sales effected from the Bengal section were very encouraging. One weaving firm from the Hooghly district, besides selling all its available stock, booked orders amounting to several thousands of rupees. Units from the districts also reported large sales. The results, in fact, must be regarded as very satisfactory.

The importance of technical and industrial education in a province like ours cannot be overestimated. It is argued that the literary bent of the present day University education has been one of the contributory causes of the present unemployment amongst our educated young men. However this may be, we all agree that a wider diffusion of technical and industrial education is most essential. In this sphere, therefore, the three main items of our activities are (1) training abroad, (2) maintenance of the Government technical and industrial schools, and (3) giving grants-in-aid to non-Government institutions. While the present financial stringency has compelled us to hold in abeyance the award of State Technical Scholarships since 1931-32, there has been no slackening of efforts in the other directions. It has been the accepted policy of Government to stimulate technical and industrial education in the province generally by a system of grants-in-aid for which a provision of Rs. 1,76,000 has been made in the next year's budget. It will no doubt interest the House to know that the total number of technical and industrial schools, both Government and non-Government, in Bengal and the number of scholars attending the same on the 1st January, 1935, was 132 and 6,102 against 121 and 5,337, respectively, on the 1st January, 1928. Although these figures do not

show any large increase in the number of schools or scholars, they do however indicate that the people have begun to realise the value of such education. While the present policy is not to add to the number of existing Government technical and industrial schools, Government have not been slow in effecting necessary improvements in their conditions or enlarging the scope of their usefulness. Government have recently embarked upon a large extension of the Serampore Weaving Institute which is maintained as a Central Institute by the establishment of a power loom section so as to keep pace with the marked development in the cotton mill industry in this province at an estimated cost of Rs. 19,133 (non-recurring) and Rs. 18,485 (recurring). In view of the present deplorable condition of the silk industry in Bengal, special efforts are directed towards improving the condition of the Berhampore Silk Institute which established with the object of teaching improved processes of silk reeling, dyeing and weaving including power weaving. This Council voted last year a grant of Rs. 10,113 for the installation of up-to-date machinery at the institute. Similarly, steps have also been taken to improve the condition of the Pabna Technical School and the Bengal Tanning Institute for which necessary provision has been made in the next year's budget. The boot and shoe-making classes attached to the Bengal Tanning Institute were started in 1929-30 to give the desired impetus to the leather industry.

Let me now turn to the fifth item of our objective, namely, provision of credit facilities. As the House is aware, the Bengal State Aid to Industries Act which was passed by the legislature in 1931-32 and brought into actual operation in 1933-34 provides the machinery for the grant of State Aid to deserving industrialists. Government provided in the budgets for 1934-35 and 1935-36 Rs. 1,00,000 and Rs. 60,000, respectively, for grant of loans, and have also undertaken the liability involved in the guarantee of cash credits with banks to the extent of Rs. 50,000 for giving aid under the Act, but it was not found necessary to utilise any portion of these grants in view of the fact that the amount of advance sanctioned by Government could be met from the State Aid to Industries Act Fund which stood at Rs. 57,000 at the beginning of the current financial year. Up-to-date loans aggregating Rs. 41,000 have been sanctioned. This is exclusive of the sum of Rs. 25,000 representing the amount guaranteed by Government with banks as cash credit. In a Press Note issued at the beginning of this year, Government have drawn attention to the slow rate of progress made under the Act and have pointed out that the number of applications has been below expectation, while the quality of the projects for which State Aid was sought was on the whole poor. It is too early yet to come to any definite conclusion about the working of the Act, and it is hoped that both the number of applications and the quality of the schemes put forward by the applicants will improve.

I will now speak a few words about the Sericulture Department. The question of protecting and fostering the indigenous sericultural industry has been engaging the close attention of the Government. The Government of India also decided to distribute annually for 5 years, with effect from 1st April, 1935, grants aggregating Rs. 1 lakh to the provinces to ensure the development of the industry on All-India lines. Bengal's share of the grant during the current year amounted to Rs. 41,347. The difficulties facing the industry are numerous and serious, but it is recognised that the most important problem to be tackled with the grants is the provision of disease-free seed cocoons. Schemes have accordingly been initiated for the production and supply of disease-free industrial seed cocoons through the agency of selected rearers in the silk-producing areas under departmental supervision and for researches on silk-worm diseases. It is satisfactory that as a result of the departmental activities and, particularly, of the working of the schemes which are in operation in 12 centres opened for the purpose the number of approved rearers working under departmental supervision increased from 194 in 1934-35 to 361 in 1935-36 and the total number of tree mulberry plants and good layings supplied to the rearers during 1935-36 was 13,219 and 89,147, respectively, while the number of rearing houses improved and disinfected, totalled 4,177. Rs. 10,000 was also given as bonuses to the selected rearers to cover the cost of improving the rearing houses and thoroughly disinfecting the same during the same period. It is recognised that the improvement of the technique of reeling is of paramount importance in improving the industry, and with a view to bring home to the reelers the advantage of reeling with modern machinery the Mysore domestic basin type of reeling has been introduced in the Berhampore Silk Institute and the Piasbary Nursery in Malda district and arrangements for its demonstration in other centres made.

With these words, Sir, I beg to commend my motion to the acceptance of the House.

Motions for reduction.

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that the demand of Rs. 23,800 under the head "35B—Industries (Reserved)—Cinchona plantations—Pay of officers—Quinologist and other gazetted officers" be reduced by Rs. 100 (to discuss the policy of the Government in not selling to competent manufacturing concerns for manufacture of genuine cinchona bark from Government plantation at reasonable rates).

Sir, I rise to move this cut motion in order to raise a discussion about the policy of the Government in not selling to competent manufacturing firms for manufacture of quinine from cinchona bark from

Government plantation, at reasonable rates. I know, Sir, we are very hard pressed for time, so I would not raise those points which have practically become axiomatic so far as quinine is concerned. It is a fact which cannot be gainsaid even by our worst opponents that in India quinine is a commodity which, in importance, is next to none; particularly in Bengal, which is saturated with malaria, quinine is more needed than our daily bread. The Hon'ble Minister for Local Self-Government has told us how quinine has worked wonders in the place from which he comes. His words are still ringing in my ears that as a result of two years' experiment in certain areas of Burdwan the malarial mortality has been very materially reduced. We cannot too sufficiently congratulate the Government for that wonderful result. But what is at the bottom of it, Sir? Certainly quinine is the important factor. We may very well talk of Plasmochin, Atebrin, etc., and similar things; but they are so very costly that even middle class people like ourselves cannot afford to get them. They are manufactured by foreign expert firms and are very costly drugs used instead of quinine. That being the position, the importance of quinine in India, especially in Bengal, cannot but be very great, and I would not waste my time and the time of the Council in trying to dilate on it. Government should realise the importance of quinine production in India; but I fear they have not. That is the point where we quarrel. On the last occasion, just a year ago, on the floor of this House I and some of my friends raised this question of quinine production. We discussed as to how it was possible to prepare quinine in Bengal and how it was possible and practicable to cheapen that. Sir, my unfortunate position at the present moment is this: My motion is under the head of "Industries" and my friend the Hon'ble Nawab of Ratanpur is in charge of that. But, Sir, a year ago when the question of quinine was raised and discussed in this House, the Hon'ble Sir B. L. Mitter took interest in this matter and tried to help us in coming to a solution. So whatever I might say to-day is in respect of what we heard from him about quinine.

I find from the printed discussions which we had on the last occasion that Sir B. L. Mitter told us that the total quantity of quinine required by us was 2 lakh lbs. of which 99,000 lbs. was manufactured by the factories of the Government of India and the rest was imported. Might I humbly point out that he had ignored the fact that a large quantity of quinine was imported direct by manufacturers of quinine preparations and quinine mixture ordinarily known as malarial specific, which practically did not come within the calculation of ordinary trade. Sir, if you take that into consideration, you will find that a very large quantity of quinine is required for India. I am, however, not quarrelling on that point at the present moment. Sir, our esteemed friend tried to help us then and gave us an assurance—I am

referring to the Council proceedings of the 11th February, 1935; we were told that "both the hon'ble members opposite and the Government benches are at one that there should be larger consumption of quinine, and for that purpose we are considering (we mean 'Government') ways and means, and I hope before the end of this session I will be in a position to make an announcement." I do not know what the Hon'ble Sir B. L. Mitter meant by "this session." I presume the time for the announcement must have been over now. He made that statement on the 11th February, 1935, and now we are at the close of March, 1936. We expected some schemes which had been promised to the members of this Council. Then I find at the end of the proceedings Babu Khetter Mohan Ray said: "Then, Sir, in view of the assurance that the Hon'ble Member is preparing a scheme with regard to quinine, I beg leave of the House to withdraw the motion." I am really surprised to find that the Government, of which Sir B. L. Mitter is a member, have not yet found time to make up the promised scheme. This is my first complaint against Government. Sir, I know Government—and have some experience of the ways of Government—for a thing which can actually be done in a week Government takes a month, so one session may mean several sessions. Leaving that point, there are others to which I want to draw the special attention of Sir B. L. Mitter. I had talk with him not only in my personal capacity but as a Council member, and I think I shall not be accused of using any private correspondence if I refer to what transpired between him and myself. Sir, I had induced some of my friends prominent among whom were Sir P. C. Roy, Mr. Raj Shekhar Bose, Sir Hari Sanker Pal and others to take up the manufacture of quinine in Calcutta. They agreed to take up the responsibility of experiments and co-operate with Goverment in the manufacture and supply of quinine. This was at my request and at the kind encouragement of Sir B. L. Mitter. As a consequence of that, the Bengal Chemical and Pharmaceutical Works obtained the supply of some ledgerina bark for the preparation of quinine. Sir B. L. Mitter was very kind to help them in getting that bark. I find that the Bengal Chemical and Pharmaceutical Works first wrote to the Revenue Member asking if the Government could supply some ledgerina bark for experimental purposes. The Government replied that 1 ton of that bark could be supplied at a rate of annas 8 per lb. exclusive of transit charges. The Bengal Chemical and Pharmaceutical Works wrote on 15th March, 1935, asking to be supplied with a trial lot of 1 ton of the bark at a nominal cost. Government wrote on the 10th May, 1935, offering 1 ton of ledgerina bark for experiment at four annas a lb. Then, Sir, an order was sent and in the last letter Government stated that no regular supply (this is where the complaint began) of bark for manufacture can be guaranteed as practically the whole of the available bark was needed to keep the Government factory

working. Government also stated that considerable surplus stocks of crude quinine existed and the Government was in a position to offer the Bengal Chemical and Pharmaceutical Works a supply for production of purified quinine sulph. This raised a discussion in the Bengal Chemical and Pharmaceutical Works. I was present there: They found that without the help of the Government in the supply of cinchona bark the idea of manufacturing quinine in Bengal will be ridiculous as cinchona bark is the raw material from which, and which alone, quinine is prepared. Then, Sir, the ledgerina bark is the only kind of bark from which a proportion of quinine is obtainable justifying the troubles of manufacturing. From other kinds the production is so small that the cost becomes very high. So the Bengal Chemical and Pharmaceutical Works found no other alternative but to accede to the proposal of Government. They wrote on the 16th May, 1935, asking to be supplied with at least a few more trial lots of ledgerina bark and asking at what rate Government was prepared to supply crude quinine out of the surplus stock at their disposal. Government wrote on the 8th June, 1935, asking the quantity of crude quinine required by the Bengal Chemical and Pharmaceutical Works. On the 14th June, 1935, the Bengal Chemical and Pharmaceutical Works replied that if the rate was favourable, they would purchase 150 lbs. of crude quinine monthly. There they were disappointed. In their last letter, dated 25th June, 1935, Government stated that on reconsideration of the question, they were unable to undertake to supply crude quinine to the Bengal Chemical and Pharmaceutical Works. Leaving aside the question of cinchona bark and ledgerina bark, for manufacture of quinine, the Government of India, or the Government of Bengal—which I do not know—could not agree to entrust the Bengal Chemical and Pharmaceutical Works, to purify crude quinine. This is the way, Sir, in which Government help the local industry. The idea of the Bengal Chemical and Pharmaceutical Works, I can assure you, was not to make profit. It was through our intervention that the Company agreed to try the experiment. If they succeeded, what would have been the result? Certainly other manufacturers would have come forward to manufacture quinine from cinchona bark. I maintain that if that could have been done, it would have been possible to manufacture quinine in Calcutta not only to meet the demands of Bengal, but of the whole of India. The practical difficulty which we experienced during the last two years was that no bark was supplied to us and none was available elsewhere. My friends know that up to the other day every crystal of sugar which we took used to come from Java. In a short time what a change has been effected. All the sugar that we require is now manufactured in India and the day is not far distant when it may be possible to export sugar from India. Such results can be achieved only with the active sympathy and willing co-operations of

Government. What has been possible with sugar, I am sure, may be possible with quinine. Am I hoping too much in asking Government to help us in trying to make India independent of quinine from foreign countries? On the last occasion, I pointed out that the Kina Bureau was the great obstacle in our way. This bureau is a combination of the manufacturing firms which have been holding their sway over us and are against the manufacture of quinine in India. Unless Government come to our rescue and help the manufacturing firms like the Bengal Chemical, B. K. Paul and Co., Smith, Stanistreet and Co. and similar other companies that have grown up in India during the last 40 years and have acquired competent position, further progress cannot be expected. They are, I am sure, quite competent to manufacture quinine only if they can obtain the raw material. If Government will encourage in the beginning, say, after 10 years' time India may possibly be independent of this Government supply; for private firms also will then come into the field for cultivating cinchona bark and will supply the bark to manufacturers of quinine in India. Our experience regarding indigenous plants, etc., which are now grown in Kashmir and other distant places, and were not easily obtainable formerly, is that now many firms are manufacturing indigenous drugs from those plants, etc., and we find a market has been created for those raw materials. The plants, etc., are regularly cultivated in mountainous and other suitable places in India and a ready market has grown up in Calcutta. Why should not somebody who has sympathy, with requisite knowledge, take up this matter, and why should not Government consider the question from all points of view and seriously help us in having quinine manufactured here from raw material cultivated in India? I had occasion to go and see Mr. Weston, and to discuss with him. Mr. Weston gave expression to such a lot of sympathetic words that I was overwhelmed, but when I asked him for something tangible, the answer was that it was not within his power. I put the question to him as he was the highest officer in the Industries Department. He said he was interested in cottage industries and not in manufacturing things like quinine, etc. I did not know what to do, and I was not satisfied with the answer. If the Industries Department cannot help us in such a matter, where are we to go for advice, help and co-operation? On the last occasion I appealed to Sir Brojendra Mitter, who is our countryman, to help us in this important matter. A year has passed away and I still hope that he will help us and succeed in solving the difficulties which might be standing in the way.

With these words I commend my motion to the acceptance of the House.

Dr. AMULYA RATAN GHOSE: Sir, I rise to support the motion so ably moved by Rai Bahadur Dr. Haridhan Dutt, and I would only

say that if the Government want to drive out malaria from the country every scope should be given to our countrymen to manufacture and sell quinine as much as possible. Every concern must be given full scope for the manufacture and sale of quinine in our country and in that way we can control the incidence of malaria in Bengal.

The Hon'ble Sir BROJENDRA LAL MITTER: Government would be only too glad if private individuals start cinchona plantations and manufacture quinine. Quinine is not a monopoly of Government; it is open to any one to start a plantation.

Rai Bahadur Dr. HARIDHAN DUTT: To start a plantation is an impossible idea.

The Hon'ble Sir BROJENDRA LAL MITTER: It is impossible and that is the difficulty. Quinine is not a monopoly of Government: it is open to any one to manufacture quinine and to have plantations. In the Madras Presidency there are, at the moment, private cinchona plantations. In Bengal there were private cinchona plantations. I think there is still a tea garden in the Darjeeling district which is called the Tea and Cinchona Plantations. What happened was that private plantations were given up because the planters found that tea was more profitable than cinchona. Government took up growing cinchona and manufacturing quinine. In Bengal the only factory which exists is the Government factory at Mungpoo. In Madras also the factory belongs to Government. These are the only two factories in India. There is a plantation in Burma, but that belongs to the Government of India; it is likely that that plantation will be closed down. So far as we are concerned, we have got the plantation in the Darjeeling district and we have got the factory. Dr. Haridhan Dutt's grievance is that Government is not helping private parties to manufacture quinine. My short answer is that the bark that we produce is not adequate to keep our factory going. As Dr. Dutt knows, it takes about 7 or 8 years for a cinchona plant to mature before bark can be extracted. All the bark that we produce is consumed in our factory; we cannot spare any bark for private parties. Besides, we are under a contract with the Government of Madras to supply that Government with a certain quantity of bark for their factory. Between these two factories the bark produced in India is inadequate. That is the answer to the grievance that the bark is not supplied to private parties. Of course, that does not conclude the matter. It might very well be said: "why do not you produce more bark?" We have been considering whether the time has not come when we ought to expand our cinchona area. If we expand our cinchona plantation, in course of time, say 7,

8 or 10 years, we shall be getting more bark and the needs of the province may be met by our factory in an increasing measure. At the present moment, it is impossible for Government to supply bark to private parties for the reasons I have already stated. A certain quantity of bark, as Dr. Dutt has said, was supplied last year for experimental purposes. We supplied a ton of bark to Bengal Chemical and a certain quantity to B. K. Paul, but when they wanted a regular supply of bark for commercial purposes, we were not in a position to give. I will give some figures to the members of the House, and they will appreciate our difficulty. In 1933-34 the bark harvested was 1,131,960 lbs. and the bark used in the factory was 1,268,365; there was a deficit of 136,405 lbs. This deficit was met from our accumulated stock. In 1934-35 the bark harvested was 1,095,369 lbs. and the bark used in the factory was 1,375,379 and the deficit was 280,010 lbs.; that again was met out of the accumulated stock. The closing balance of our stock on 31st March, 1935, was 1,009,000 lbs. That is the whole accumulated stock of bark we have got. In 1934-35 our deficit was roughly 280,000 or nearly 300,000; so, in about 3 years' time, at this rate our accumulated stock will be exhausted. We cannot obviously supply private parties from our accumulated stock. Madras wanted a 5-year's contract for the supply of 200,000 lbs. of bark every year for their factory. In 1934-35 they took 230,000 lbs.; they have applied for 200,000 lbs. for 1935-36, and we are considering whether we should be justified in depleting our stock further. Even if we do supply Madras this year, it is just possible that from next year we shall not be in a position to supply the Madras factory. That is the position of bark *vis-a-vis* Government factories.

As regards the scheme referred to by Dr. Haridhan Dutt, I was in hopes that I would be in a position to tell the House what it was. Scheme for what? Scheme not for manufacturing more quinine, because we are manufacturing as much as we can, but for reducing our stock of accumulated crude quinine; that was the scheme I had in mind. With regard to that, I stated at length last year, and I repeated again the whole of the quinine policy in India is dictated by the Government of India. We are not our own masters in this matter yet; under the new constitution we shall be. We are in correspondence with the Government of India; various schemes have been suggested and correspondence has been going on, but as hon'ble members are aware the wheels of Government move slowly. Any scheme that we may formulate in the Government of Bengal must be approved by the Government of India before it can be put into operation. We have not got any approved scheme yet, and hence I am not in a position to state what that scheme is.

Dr. Dutt's next point was that we should help private manufacturers to produce quinine. When we found that we were not in a position

to supply bark, I made a suggestion to Dr. Dutt, and he communicated that suggestion to the manufacturers, that instead of taking bark they might take our crude quinine and out of the crude quinine manufacture purified quinine for the market. That offer was not accepted by the manufacturers. Therefore, you cannot blame Government for not offering to help private manufacturers to manufacture quinine for consumption. These are the points which Dr. Dutt made. For the information of the House I may state one or two other facts.

With regard to cinchona bark, apart from the fact that our production is not large, it is necessary for the manufacture of cinchona febrifuge. The demand for cinchona febrifuge is large. We cannot meet the demand and therefore we have to conserve every pound of bark. I will give another piece of information which would interest the House. This House has voted a sum of money to the Public Health Department for free distribution of quinine. In order to increase the amount of quinine available for that sum, we have suggested to the Public Health Department that instead of taking purified quinine at higher price they might take our crude quinine at lower price for free distribution. All medical authorities are agreed that for medicinal properties they are exactly the same. If the Public Health Department accepts the offer, then, a larger quantity of quinine will be available for distribution to the country than has hitherto been the case. In this connection I may also state another fact. I am grateful to Dr. Dutt for acknowledging our action in the matter. Although we sold to Madras at 6½ annas a pound we supplied bark to the manufacturing firms in Bengal at 4 annas a pound. Bengal manufacturers got the bark 50 per cent. cheaper. These are all the facts relevant to this motion.

To sum up, our stock of bark is low and our production of bark is decreasing. We are now considering the question of expanding our cinchona area. We have to conserve all our bark, not only for use in our factory, but also for the manufacture of cinchona febrifuge. We have got a stock of crude quinine which we offered to the manufacturers, but they refused the offer. We have a contract with Madras to supply bark to them. Therefore, no bark is available.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, may I put one question to the Hon'ble Member? Is it not true that on the 25th June, 1935, Government wrote to the Bengal Chemical and Pharmaceutical Works offering to sell crude quinine, but on reconsideration of the qusetion Government could not supply the crude quinine?

The Hon'ble Sir BROJENDRA LAL MITTER: I have not got the correspondence before me. This was after the rejection.

The motion was then put and lost.

Mr. NARENDRA KUMAR BASU: Sir, with your permission may I move this motion?

Mr. PRESIDENT: Yes.

Mr. NARENDRA KUMAR BASU: I beg to move that the demand of Rs. 3,91,300 under the head "35A—Industries (Reserved)" be reduced by Rs. 100.

The revised budget figures show that the salt subvention has been renewed and the Government expect Rs. 1,10,000 this year as well. The Bengal Government has by now received several lakhs from this source and the purpose of this motion is to ascertain how much has been spent in fostering the indigenous manufacturing of salt. I would only ask the Hon'ble Member as to what stepts the Government of Bengal have taken for the purpose of helping the salt industry of Bengal. The industry is in its infancy and only a very few factories have been started. The assistance that these factories want is assistance in the form of some subsidies, of warehousing and of some facilities in paying up the excise duty. I should like to know what steps the Government of Bengal have taken to help the infant salt industry of Bengal.

The Hon'ble Sir JOHN WOODHEAD: This question of the manufacture of salt in Bengal has again come up and I shall begin by referring to what I said last year. I suppose Mr. N. K. Basu has read my remarks and will remember what I said on that occasion. I said that we had decided to start as an experiment two warehouses—one in Contai and another in Cox's Bazar. This scheme of warehouses was taken up at the direct request of Mr. N. K. Basu who was then, I do not know whether he still is, the President of the Salt Manufacturers' Association. That particular scheme was put forward by the Salt Manufacturers' Association and at the time I expressed doubts whether it would be a success. In January of last year we opened a warehouse at Contai, and I shall read out, if I may, what I said on the 14th March, 1935. I said this: "The experiment is not at the present moment showing much hope of success for the very reason that I stressed last year. As I pointed out at that time, the difficulty is that the villager who is permitted to manufacture salt for sale in the village without payment of duty obtains a better price by selling the salt he manufactures to the local consumer than by selling it to licensed warehousemen who must pay a lower price, because they have to pay duty." My doubts have been fully justified. Last year not an ounce of salt entered the warehouse at Contai, and I have just received a report that not an ounce of salt has

entered that warehouse this year also. The reason as I have said is simple; people are allowed to manufacture salt free of duty at Contai for local consumption, and as long as they are allowed to manufacture salt for local consumption free of duty, they will not sell to anyone who has to pay the duty. We propose to close down the warehouse at Contai; we have given it a fair trial for two years, but not an ounce of salt has entered the godown. And I do not propose to open the godown at Cox's Bazar. The scheme was doomed to failure from the very start.

We also had an enquiry made, as the House knows, as regards the possibility of manufacturing salt in Bengal on the Burma and Sind methods. The expert who came from Sind reported that the Sind method could not be applied in Bengal, but the gentleman who came from Burma, he happened to be a Bengalee, reported more favourably. As I said last year, the expert from Burma said that manufacture according to the Burma method might be a success if the selling price of salt was Rs. 66 per 100 maunds. As I pointed out at this time last year I was not very optimistic of the success of the Burma method because the price of salt was Rs. 50 and not Rs. 66 per 100 maunds. So we had an enquiry made to find out whether, having regard to the actual selling price, salt could be manufactured at a profit at Fulcheri in Cox's Bazar where conditions appeared closely to resemble those in Burma. We have also had enquiries made at Contai. The Contai enquiry shows that there is little hope of success in that area. As regards Fulcheri, the conclusion seems to be that there is a possibility of success so long as the additional import duty is maintained. But the difficulty is that if the additional import duty is not maintained, and I would remind Mr. N. K. Basu that he is a strong opponent of this additional duty, the manufacture of salt at Cox's Bazar will in all possibility not be a commercial success. That is the position we have reached. We are now in correspondence with the Government of India as regards the possibility of doing something to assist a factory that has been started in Cox's Bazar subdivision, but no final decision has as yet been reached. The difficulty is that our enquiry points to the conclusion, that if the additional import duty is not maintained, it is very doubtful whether the manufacture of salt will be a commercial proposition. I have now given an account of what we have done. We have done everything we possibly can. I am sorry that the warehouse scheme has not been a success; but it obviously could not be a success. So long as people have the privilege of manufacturing salt in the soliferous tracts round the Bay of Bengal, in Contai, Cox's Bazar, Noakhali and the Sundarbans, for local consumption without payment of duty, they will not sell to a dealer who has to pay duty, because he cannot pay the same price as they can get from the local consumer.

Sir, I oppose the motion.

The motion was then, by leave of the Council, withdrawn.

Maulvi ABDUS SAMAD: Sir, I beg to move, that the demand of Rs. 26,000 under the head "35A—Industries (Transferred)—Director of Industries—Pay of officers" be reduced by Rs. 100 (failure to raise the status of the Berhampore Silk Weaving Institute to that of a college).

I think, Sir, that probably only one minute is left for the discussion of this motion, and all that I can do is to merely move it. Sir, having regard to the importance of the silk industry in Bengal, and also in view of the fact that the Government of India made a special grant for the development of the sericultural industry in this province, I hope the Hon'ble Minister will be good enough to give effect to the resolutions which have recently been passed by the Silk Committee under the presidency of the Director of Industries——

(At this stage the time-limit for the discussion of the demand for grant under "35—Industries" having been reached, the member had to resume his seat.)

The motion was put and lost.

The original demand of the Hon'ble Minister for Industries was then put and agreed to.

37—Miscellaneous Departments.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 4,19,000 be granted for expenditure under the head "37—Miscellaneous Departments."

Motions for reduction.

Mr. P. BANERJI: Sir, I beg to move that the demand of Rs. 1,56,800 under the head "37—Miscellaneous Departments (Reserved and Transferred)" be reduced by Rs. 100 (attitude of the Chief Inspector of Factories regarding the inspection of the presses in Calcutta).

Sir, in doing so, my object is to draw attention of the members to the callous and indifferent attitude of the Factories Department in the discharge of their statutory duties, especially with regard to the private presses. We have the Factories Act which provides for the health and safety of the workers in the factories. Now let us see how these rules are complied with and enforced by the department in charge. The presses owned or managed by the private individuals have often been described and, rightly so, as dark dungeons in which these poor employees are to work. The Act could not help them. I must admit that the Chief Inspector of Factories has done good to the employees in some of the private presses, while a large number of these presses have been left still unnoticed. There are 107 registered presses and 1,120 unregistered presses, but only in 5 or 6 cases have prosecutions been lodged. The Inspection Department was good enough to admit in their report that the sanitary conditions are not good in the private presses. We got that report in 1934. May I enquire, Sir, what has been done to make the sanitary condition in accordance with the rules provided in the Factories Act to improve the sanitary conditions in these presses? I regret to inform the House that the workers in the private presses are still neglected. The officers of the department do not even pay their visits to these presses regularly.

Sir, I am sure you will agree with me that the private presses require more inspections and strict enforcement of the Factories Rules is necessary in the presses owned and managed by private individuals at least in the interest of the employees working there. So far as sanitation is concerned, these presses are veritable nuisances. To add to this, I am informed that there are presses where there is no good arrangement of drinking water even; what can be more deplorable than this? If there is the least truth in it, I think there is no necessity of keeping the Factories Department at a cost of Rs. 1,56,800; nothing can be more terrifying than that such a condition should still exist.

Now, Sir, about lead poisoning. The cases of lead poisoning are not few in these private presses. It is not strange that the presses are a veritable nuisance with regard to sanitation, do not provide good drinking water to the employees, can ensure neither health nor safety to its workers, who are liable to fall easy victims to death and disease—I mean lead poisoning or tuberculosis. Sir, is it not the duty of the Factories Department to see that the rules provided in the Act are strictly complied with in all the private presses? I feel constrained to say that this duty is very much neglected—the indifference and apathy on the part of the Factories Department is responsible for the hardships and oppression suffered by the employees in the private presses.

I am informed that in 1935 there were 3 cases of lead poisoning in the Bengal Government Press and one case is still pending at the Workmen's Compensation Court, and in 1936, in the course of these three months only, as many as 25 cases of lead poisoning have been sent to the Medical College Hospital for treatement. Sir, the Bengal Government Press is, as you are all aware, inspected by a certifying surgeon and the sanitary condition of the press is good and all sorts of preventive measures are taken; but in spite of that, there have been within this short time as many as 25 cases of lead poisoning.

The Hon'ble Sir JOHN WOODHEAD: May I ask, Sir, where Mr. P. Banerji has got this information from?

Mr. P. BANERJI: If the Hon'ble Member will please enquire from the Medical College, then he will find out the truth of my statement; 25 such cases have been sent from the Bengal Government Press.

The Hon'ble Sir JOHN WOODHEAD: Sent by whom?

Mr. P. BANERJI: My information is obtained from the persons who have suffered from lead poisoning, from members of the public. That being the case and the condition in the Bengal Government Press, as I have said, being much better than in other presses, why is it that no such case of lead poisoning is reported from the 107 registered presses at all? Are we to understand that they are better situated in this respect? On the contrary, that would conclusively show that such cases are never reported from these presses.

Sir, I feel convinced that if the Factories Department enquired of the well-known Press Employees' Association, which is a registered association, they will get all the information regarding these allegations. I may assure the House further that the work of the Factories Department will be much easier if they chose to get co-operation from the said association which exists for the welfare of the employees in the presses.

As the time is very short, I will not make a lengthy speech, but would commend my motion to the acceptance of the House.

The Hon'ble Sir JOHN WOODHEAD: Sir, Mr. P. Banerji brings up this motion year after year; he did so last year. And on this occasion I congratulate him upon concentrating on private presses and not

on the Government press. Private presses—of course not all of them, there are exceptions,—but a considerable number of private presses are not as well ventilated, as well managed, as clean and sanitary as we should like to see them. But that is not the fault of the Factory Inspection Department. Sir, the Factory Inspection Department are not neglectful of their duties. They inspect these presses regularly and take every action which the law permits them to do, but it does not follow that they are able to insist on the maintenance of all private presses in the condition in which we should like to see them.

First of all, it must be remembered that all presses are not registered factories. A registered factory, I think, requires the number of persons employed to be at least 20, but all presses do not employ that number; therefore, all presses are not necessarily registered factories.

Mr. P. BANERJI: There are 107 registered presses, so far as I know.

The Hon'ble Sir JOHN WOODHEAD: I, too, have got certain figures. In 1935, the number of times presses were inspected was 178, the number of orders issued relating to cleanliness, sanitation, ventilation, and lime-washing was 58; the number of orders relating to illegal employment, defective registers, notices of working hours was 100; the number of prosecutions 15; and the number of convictions also 15. These figures certainly do not disclose any neglect by the Factory Inspection Staff of private presses. And we know from experience—I drew attention to the last year—how difficult it is to deal with certain of these presses. As I said last year, there was one press in regard to which I had to be called in in order to prevail upon the management to adopt methods to ensure decent conditions, and, Sir, it was a long time before I succeeded in having the necessary improvement carried out.

As regards lead poisoning, I really do not know where Mr. P. Banerji has got his figures from. He said that there were three cases of lead poisoning in the Bengal Government Press in 1935 and that 25 persons suspected to be suffering from lead poisoning were sent to the Calcutta Medical College Hospitals in 1935 for treatment. So far as I know, those figures are entirely wrong, and I think that, as a matter of fact, in reply to a question a little while ago I said that there was no case of lead poisoning in the Bengal Government Press in 1935. We certainly have not sent so many cases to the Medical College Hospital; as a matter of fact, I very much doubt whether we have sent any such case. Last year we arranged for the certifying surgeon to visit the Bengal Government Press; he visits the press

once a quarter and examines the employees for any sign of lead poisoning. Sir, I refute the suggestion that the Factory Inspection Department are not carrying out their duties in an efficient manner. I oppose the motion.

The motion was put and lost.

Mr. S. M. BOSE: I beg to move that the demand of Rs. 4,19,000 under the head "37—Miscellaneous Department" be reduced by Rs. 100 (exemption of schools which are charitable institutions from electricity duty).

Sir, under section 3, proviso (*c*) of the Bengal Electricity Duty Act, the duty is not to be charged upon premises declared by Local Government to be used exclusively for the purpose of public charity. The words "exclusively used for the purposes of public charity" have been used also in section 124 (*2*) of the Bengal Municipal Act and it has been held that schools which, although they charge fees, devote the whole proceeds for the promotion of education, have been held to be, under this section, exclusively used for the purposes of public charity. I ask the Hon'ble Member to be so good as to exempt certain schools, which come under this definition of "public charity," from the electricity duty.

The Hon'ble Sir JOHN WOODHEAD: Sir, there is a considerable history behind this matter with which Mr. Bose is as well acquainted as I am. Mr. Bose has referred to section 126 of the Calcutta Municipal Act and has supported his arguments by reference to that section. But does he know that the school he has in mind, I shall not name it, has not obtained an exemption from municipal taxes under that section of the Calcutta Municipal Act——

Mr. S. M. BOSE: Yes, it has.

The Hon'ble Sir JOHN WOODHEAD: I say no, it has not.

Mr. S. M. BOSE: My neighbour (the Hon'ble Sir Bijoy Prasad Singh Roy) says that it has obtained a grant equal to the rents it has to pay.

The Hon'ble Sir JOHN WOODHEAD: But I say it has not been given exemption; a grant is an entirely different matter. In fact, Sir, the position of this school *vis-a-vis* section 126 of the Calcutta Municipal Act illustrates exactly the position which I adopted during the debates

on the Electricity Duty Bill. Mr. Ananda Mohan Poddar moved an amendment in which he proposed that schools should be exempted from the electricity duty. I raised objection and said that I could not agree to an exemption of that kind. But I also said: "If, as regards aided schools, it is found that this duty places a burden on their finances which they cannot meet, then instead of giving these aided institutions a hidden subsidy by exemption from this taxation, the proper way is to assist them by a direct grant, given specifically to meet this extra burden, provided of course it is impossible for them to meet it from their ordinary income." That appears to be exactly the position of this school *vis-a-vis* section 126 of the Municipal Act.

Mr. S. M. BOSE: Sir, I beg leave to withdraw the motion.

The motion was, by leave of the House, withdrawn.

The original demand of the Hon'ble Sir John Woodhead was put and agreed to.

The Council was then adjourned for fifteen minutes.

(After Adjournment.)

41 and 60—Civil Works.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 95,76,000 be granted for expenditure during 1936-37 under the heads "41—Civil Works" and "60—Civil Works, not charged to revenue."

Sir, this being, I think, the last budget that this Council will consider, it will not be out of place to give a brief summary of the service rendered by the Public Works Department during the past septennium.

The first point worth mentioning is the reduction in expenditure effected in this department. We started investigations for reduction in expenditure as far back as in August, 1931, and our retrenchments have effected a cumulative saving of Rs. 81,000 a year.

On account of the financial stringency, a considerable reduction was effected in both original and repair works from the provincial revenues, but in spite of that reduction we have been able to metal about 32 miles of roads and have also improved the condition of the existing roads to the present day standard of high specifications. Sir, the House will no doubt be interested to know that the department maintains about 958 miles of metalled and 695 miles of unmetalled roads.

Since the formation of the Road Board, they have been surveying the entire province, and two expert Engineers of the Public Works

Department have been deputed as Road Development Project Officer and the Bridge Designer. The work is proceeding on five-year plans, and a wide network of communication is being worked out. The department has already constructed 225 miles of new roads including reconstruction of district board roads from the Road Board Fund. Some of the more important roads taken up are the Iswardi-Pabna road, the Calcutta-Jessore road, the Diamond Harbour road, the Ghosepara road, and the improvement and widening of the Grand Trunk road. The proposed Calcutta-Darjeeling road, Howrah-Benares road and many others are under examination.

We have seen through the rebuilding of the Chandmari Bridge on the Grand Trunk road at Howrah and the provision of roadways and footpaths over the Willingdon bridge at Bally through the agency of the East Indian Railway.

Sir, quite a large number of bridges have been undertaken; some have been completed, some are under consideration, while others are under investigation. Perhaps the most important of these are the Tista and the Sevoke bridges which have opened up communication with the tea areas in the Duars, and with Tibet, and I need hardly dilate upon the political and commercial significance of these bridges. The Kunti and Saraswati bridges on the Grand Trunk road, Jhikargacha bridge on the Calcutta-Jessore road, Sevoke-Tista bridge and Leesh bridge on the Sevoke-Bagrakote road project, the Tankabati, Dalu and Kalarpole bridges on the Chittagong-Arracan road are some of the important bridges which we have undertaken to construct. Preliminary arrangements are in progress with regard to many other bridges including the Damodar bridge, Churni bridge, Rangram bridge, and the Mathabhanga bridge.

I would not tire your patience by mentioning the numerous public buildings that we have constructed, reconstructed, and improved during the period under review. We have constructed during this period 86 important buildings at a total cost of Rs. 1,14,50,911, a few of the more important ones being the subdivisional buildings in Alipur Duars, new civil court buildings at Asansol, play-ground and swimming tank for the students of the Calcutta Madrassa and the Islamia College, construction of a new building for the Moslem Institute, acquisition of land and purchase of a building for a hostel for the students of the Bethune College, construction of a high school building at Bhola, construction of a hostel for the Ahshanullah School of Engineering, Dacca, construction of guru-training schools at Midnapore, Berhampore, Krishnagar, Howrah, Jessore, Khulna and Katwa, extension to the Eden Hospital at a cost of Rs. 6,61,162, additional buildings for the Serampore Weaving School at a cost of Rs. 2,43,580, construction of this Council Chamber at a cost of Rs. 30 lakhs, construction of a hostel

for the students of the Ronaldshay Medical School, Burdwan, constructions in connection with the transfer of the headquarters station from Noakhali to Maijdi, reconstruction of the Government House and other Government buildings damaged by the earthquake in Darjeeling.

We have also been electrifying the Government buildings, as far as the funds at our disposal permitted, at various stations which have helped certain infant indigenous industrial firms in the shape of electrical companies to grow up. We have a comprehensive scheme for the electrification of Government buildings ready to be worked out according as funds are made available.

To come back to the demand for grant, it will appear from the budget estimates for 1935-36 that the estimated expenditure for voted items inclusive of establishment charges was Rs. 85,60,000, while the revised for that year has been reduced to Rs. 84,08,700. The amount, namely, Rs. 95,76,000, which the Council is now asked to vote, shows an increase of Rs. 11,67,300, compared with the revised estimate which is mainly due to the following increased provision under the heads "41 and 60—Civil Works":—

41—Civil Works—

	Rs.
Original Works—Buildings	1,28,000
Road Development Fund Works to be carried out by the Public Works Department on Provincial Roads	1,90,000
Grants-in-aid	7,59,000
60—Civil Works	98,800
Total ..	11,85,800

Or say, Rs. 11,86,000, less Rs. 21,000 representing decrease under "Establishment nett."

Under the head "41—Civil Works—Original Works—Civil Buildings," it is proposed to spend Rs. 22,300 on works for Reserved subjects, and Rs. 9,05,447 on works for Transferred subjects. The items of works are specified in Civil Works Budgets circulated to the members of the Council. The amounts provided as reserves for minor works under various departments are intended for works costing small amounts in connection with the buildings occupied by the various departments. These works are generally within the power of sanction of the respective heads of departments.

For communications under "41—Civil Works," no provision has been made under "Reserved—Voted," while Rs. 8,62,646, which includes Rs. 8,22,000 for Road Development Fund Works to be carried out by the Public Works Department, has been provided under "Transferred." The items of works have been detailed in the budget.

Under the head "Repairs," Rs. 2,88,000 is provided for Reserved Department, and Rs. 35,42,000 for Transferred Department, as compared respectively with the revised estimates of Rs. 2,88,000 and Rs. 35,11,000. The difference under "Transferred" is due to the fact that the revised estimate of Repairs grant for 1935-36 has been reduced to Rs. 35,11,000, for certain roads are being treated with a higher form of road specification, which is expected to reduce cost of maintenance hereafter. The projects are being classified as Original Works and funds have accordingly been provided by reappropriation from Repairs.

Establishment: The grant required on account of Establishment is Rs. 12,57,300, as compared with the budget and revised estimates of Rs. 13,45,400 and Rs. 12,78,800, respectively, for the year 1935-36. Both the revised estimate and the next year's demand show a fall in provincial expenditure, and this is brought about by the prospect of larger recoveries of establishment charges from the Central Government as also of larger English expenditure which forms part of a separate demand for grant. The only noticeable feature in the next year's demand for Establishment is that it includes a lump provision of Rs. 30,000 for extra architectural establishments in connection with the new Custom House project, but this expenditure from provincial revenues will be more than counterbalanced by the percentage charges that we shall ultimately be recovering from the Government of India.

Tools and Plant: For Tools and Plant, Rs. 2,000 and Rs. 51,000 have been provided for 1936-37 under the heads "Reserved" and "Transferred," respectively, against Rs. 2,000 and Rs. 59,200 in the revised estimate for 1935-36.

Grant-in-aid: A provision of Rs. 23,07,000, which includes Rs. 10,67,500 for Road Development Fund Works to be carried out by local bodies or by the Public Works Department on their behalf, and Rs. 9,65,000 for distribution out of the surplus revenue from Motor Vehicles Tax, has been made against the revised estimate of Rs. 15,48,000. The increase is due to the increased provisions for Road Development Fund Works, and for distribution out of the proceeds of the Motor Vehicles Tax.

60—Civil Works: It will be noticed that the provision under "60—Civil Works" for 1936-37 relates to Rs. 55,000 under Reserved for reconstruction of and repairs to earthquake-damaged Government property, and Rs. 3,45,000 under Transferred for the construction of

a building in the Army Clothing site at Alipore for the accommodation of Government offices which are at present located in rented buildings, as this, it is expected, will be ultimately remunerative.

Mr. S. M. BOSE: What about the Howrah Bridge?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I have already explained in connection with a question put by one of the members that we have not heard anything from the Bridge Commissioners.

Motions for reduction.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to move that the demand of Rs. 40,300 under the head "41A—Civil Works—A-5—Administration of Justice" be reduced by Rs. 100 (necessity for electrifying Government offices and courts in Mymensingh).

Mine is a very simple request. I think the Hon'ble Minister knows that there is an Electric Supply Company at Mymensingh which caters to the needs of the citizens, and the municipality has got its streets lighted by electricity. In the midst of this dazzling light the offices of Government and the Courts are in complete darkness. There they use candle-lights. Officers, Judges and litigants and lawyers all have to work hard and in the hot weather they are at the mercy of the sleeping *punkha*-pullers. I think the lighting of offices with electricity as a business proposition will not be a losing one. There is no reason why the Court buildings and the offices should not be supplied with electric lights and fans. This will add very little to the burden of Government, and I think for the convenience of all concerned, including the Government officers, Government will see its way to comply with a simple request from us.

Mr. S. M. BOSE: May I say a few words in support of the motion. When the Bengal Electricity Duty Act was passed, it was suggested that as most of these struggling companies would pay the tax, it would be as well if Government were to encourage them, in order to bring in more funds to them, by having all Government buildings in mufassal towns like Mymensingh, Comilla, Jalpaiguri, etc., electrified. As Mr. Ray Chowdhury has said, it is absurd that when certain parts of Mymensingh are electrified, Government offices have no electric lights or fans. I believe in Mymensingh there is a very well-organised Electric Supply Company, and I would ask Government to encourage it by having their offices electrified.

The Hon'ble Sir BROJENDRA LAL MITTER: Government are encouraging private companies wherever possible. I cannot get money for the improvement of libraries of the Courts. Surely, I cannot go to the Finance Member and ask him for money for electric lights and fans in offices. We have every sympathy, and when better times come, Government will see that all the amenities of the twentieth century are provided, but in the present financial condition it is impossible.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg leave to withdraw my motion.

The motion was then, by leave of the Council, withdrawn.

Dr. AMULYA RATAN GHOSE: I beg to move that the demand of Rs. 9,05,600 under the head "41—Civil Works (Transferred)—A—Original Works—Buildings" be reduced by Rs. 100 (necessity of a shelter for litigants in the Criminal Court, Howrah).

I have got only a few words to say in regard to the Criminal Courts of Howrah. There is no shelter for the litigants, and the litigants' money is the only source of income from which these Courts are maintained. I therefore ask the Hon'ble Minister in charge of this department to pay a bit of his attention towards the protection of the litigant public.

The Hon'ble Sir BROJENDRA LAL MITTER: I have every sympathy with Dr. Ghose's request, and I can tell the house that year after year I have been asking for money to provide shelters for witnesses and litigants, but I am always met by a *non possumus*—no money. I can assure Dr. Ghose that this matter is constantly present in my mind, and it is not merely Howrah but many other districts which want shelters. As soon as funds permit, these will be erected.

Dr. AMULYA RATAN GHOSE: I beg leave to withdraw my motion.

The motion was then, by leave of the Council, withdrawn.

Dr. NARESH CHANDRA SEN GUPTA: May I have your permission to move this motion?

Mr. PRESIDENT: Yes, you may move it.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that the demand of Rs. 8,22,000 under the head "41A—Civil Works (Transferred)—Communications—Road Development Fund Works" be reduced by Rs. 100 (Administration of the Road Development Fund grants).

This relates to the administration of the Road Development Fund. Year after year the Road Board is setting up and cogitating over numerous schemes that they have in view, but up till now we find that a huge sum of money has accumulated in its hands. It is suggested that the position with regard to roads in Bengal is so excellent that it takes years for Government to find out a scheme for new roads. I have some knowledge of one or two schemes; they have taken an inconsolably long time to get rid of all the money they have got from the Government of India.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I can assure the hon'ble member that nobody is more anxious to expedite the road development programme than my humble self. The matter has received the urgent and serious attention of Government. The Provincial Board of Communication have given their advice on several important schemes and the Special Officer in charge of Road Development is preparing a comprehensive survey for the whole of the province which will form the basis of road development not for the present Government only, but for the future as well. We have already spent quite a substantial amount on road development and roads like the Grand Trunk road, Chittagong-Arakan road, Pabna-Ishurdi road, Tangail-Mymensingh road, and Burdwan-Arambagh road, Calcutta-Jessore road, Ghosepara road, have been taken up including some bridges. So we are not wasting our time in preparing road development schemes. We are going on simultaneously, we are devising new schemes, and at the same time we are making a substantial progress.

The motion was then put and lost.

Dr. AMULYA RATAN GHOSE: I beg to move that the demand of Rs. 8,63,000 under the head "41—Civil Works (Transferred)—B—Original Works—Communications" be reduced by Rs. 100.

Sir, the Grand Trunk road within the municipal area of Howrah is very narrow. It is the oldest road known. From the days of Queen Ahalya Bai it is known as Ahalya Bai road and from that time up till now this road has not been widened a bit and one can consider what a huge crowd is now passing through that road—lorries, buses and all sorts of vehicular traffic as well as pedestrians pass through this road. The narrowness of the road is practically the cause of serious accidents which resulted in the death of many people. Therefore, it is extremely necessary that the road should be widened considerably and after that the road should have *pucca* footpaths on both sides. At present only one side is provided with a *pucca* footpath, but on the other side there is none. The result is that oftentimes pedestrians are killed under motor cars and lorries which override them while they are using the

road. The importance of the Grand Trunk road need not be emphasised. It is a very important road and in no way it is less important than some of the big roads of Calcutta—Harrison road, Strand road, etc. But the width is much less than the roads that I have mentioned. Considering the growth of the city that is going on apace, it is extremely necessary that this road should be widened. Therefore, I appeal to the Hon'ble Minister to pay greater attention towards the improvement of this road, particularly when one side of the road has been provided with a *pucca* footpath for which the ratepayers of Howrah are grateful to Government, and they will be still more grateful if the road is widened and provided with a *pucca* footpath on the other side.

Mr. H. S. E. STEVENS: The mover of the motion has himself given the main reason why the provision of footpaths within the municipal limits of Howrah on this particular road is impossible. The limits within which provision can be made are governed first of all by the funds available and by the width of the road. As the mover has said that the road is in his opinion already too narrow for the wheeled traffic which it has to carry, therefore to cumber it with footpaths on both sides would be merely to increase the congestion. He suggests that the road be widened. That is a proposition involving very costly acquisitions and would require a very large sum of money. The Grand Trunk road has at present footpaths in places where the width of the road and the necessity of traffic demand it. It has been said that on only one side of the road have footpaths been provided. I may refer to the information which we have about it.

Grand Trunk road (North): Footpath on the west flank from Golabari road junction to Haraganj road junction about a length of 2,300 r. ft. was provided last year. In the east flank, it has not been provided, because on account of the open drain the width there is not sufficient to admit of useful footpaths being built. On the rest of the road beyond the Sulkea Chaurastha construction of footpaths has not been attempted, because there is no tramway here causing any congestion of traffic, there is sufficient width for the pedestrians and wheeled traffic, and there are deep *kutcha* drains belonging to the municipality alongside the road.

Grand Trunk road (South): On the existing Chandmari bridge there are already footpaths. This bridge is being rebuilt and footpaths will be provided along the reconstructed bridge. From Telkulghat road junction to Sibpur Tramway terminus, a length of about a mile, footpaths on the west flank, where there is sufficient width for the purpose, have been sanctioned and will be built. In the east flank there is already a provision in the sanctioned estimate for improvements to this portion of the road for construction of footpaths from Telkulghat

junction up to 100 ft. beyond Ramkrishtopur Ghat road. Remaining portion will be taken up when funds are available. Beyond the Sibpur Tramway terminus there is a footpath for about a furlong up to the jute mills area on the east flank. In the Sibpur Bazar area, we have again a very narrow road with wide side-drains on each side and there is no room here for footpaths, unless a very costly acquisition is undertaken. Beyond Sibpur Bazar there is no great congestion of traffic and the road is sufficiently wide for all purposes, pedestrian and otherwise, and provision of footpath in that part is not at present considered necessary. It is not correct to say that Government have neglected the road. Government have done all that is possible considering the funds available and considering the width of the road at its various points within those limits.

I oppose the motion.

The motion was then put and lost.

Babu SUK LAL NAG: I beg to move that the demand of Rs. 8,63,000 under the head "41—Civil Works—Original Works—Communications" be reduced by Rs. 100.

Sir, the object of my motion is to raise a debate on the cost of construction of roads with Road Development Fund by Public Works Department. We find that whenever the Road Development Board make a scheme for the construction of any road, the estimate of cost prepared at their instance for such construction is so enormously and unusually high that with such cost a district board can construct motorable roads with a little less width about four or five times in number. The width as estimated by the Development Board for a road is not at all necessary in the mufassal. In my opinion, if estimates are prepared according to the needs, necessities and circumstances of each particular district, many more roads can be constructed without laying out a big sum for a single one. Instances are not rare where estimates prepared at the instance of the Board for the construction of a road could be and were actually cut down to less than one-third, which changes in the estimate were afterwards found to be real, accurate and practical. The Board is requested to prepare its schemes and estimates in consultation with the district board concerned. And in my opinion after such consultation if respective district boards are entrusted with the construction of such roads, the cost will be much less and many roads can be constructed with the amount allotted by the Board for the construction of a single one. In conclusion, I beg to add that wild and fantastic schemes rather waste time and energy and scare away the real workers from the field of action. With these words I commend my motion to the acceptance of the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I found it rather difficult to follow the hon'ble member, but so far as I could follow him I shall try to meet his points. According to him, the cost of road construction is high and the estimates prepared by the Public Works Department in carrying out the programme of the Provincial Board of Communications are very high. He suggests that roads should be developed in order to meet the needs of particular districts. We have got to anticipate traffic. The moment a road is improved the traffic increases. That is always the case. So long there is no road, there is no traffic; but the moment a high road is opened up, the traffic automatically increases. Moreover, in improving these roads or constructing new roads out of the Road Fund, we have got to anticipate the future traffic and not to cater to the needs of the present generation only. The Public Works Department have got their specifications and the roads have got to be constructed according to those specifications. I do not think the Public Works Department can agree to reduce their specifications to fall in line with the specifications of the local bodies. The local bodies construct roads of district importance, whereas the Provincial Board of Communications have got to devise policy for roads of provincial importance and sometimes of inter-provincial importance. So I cannot agree with the suggestions made by my hon'ble friend.

With these words I oppose the motion.

The motion was, by leave of the Council, withdrawn.

Mr. S. M. BOSE: Sir, with your permission I beg to move that the demand of Rs. 35,42,000 under the head "41—Civil Works—C—Repairs" be reduced by Rs. 100.

A very large amount has been placed under repairs—Rs. 35,42,000. A good deal of this money will have to be spent upon the Howrah bridge. The longer the new Howrah bridge is delayed, the more will be the cost of repairs, and the greater the delay, the greater will be the ultimate cost. So, I think the Hon'ble Minister will explain why there should be this delay in starting the construction of the new Howrah bridge, especially in view of the fact that the amount on repairs is going to be a very heavy one.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Sir, this question has already been explained by me on the floor of this House on a previous occasion. As members are aware, under the Howrah Bridge Act it is the Bridge Commissioners who are authorised to deal with the question of construction of the new Howrah bridge, and I think they are taking the necessary steps in this direction. As regards the reason for the delay in the construction of the new bridge,

we have not got any paper before us yet, and I am not in a position to state exactly what that reason is. I hope after what I have said the hon'ble mover will withdraw his motion.

The motion moved by Mr. S. M. Bose was put and a division demanded.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: With your permission, Sir, I would like to explain that this budget demand has practically nothing to do with the Howrah bridge. The bridge is managed by the Bridge Commissioners under the Howrah Bridge Act. So, I really do not understand why the hon'ble member should press this cut motion here in this connection.

Mr. PRESIDENT: Anyhow, I have got to put it to the House.

The motion was put and a division taken with the following result:—

AYES.

Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhuri, Babu Kisheri Mohan.
Fazlullah, Maulvi Muhammad.
Ray Chowdhury, Babu Satish Chandra.
Sen Gupta, Dr. Naresh Chandra.

NOES.

Ahmed, Khan Bahadur Maulvi Emaduddin.
Armstrong, Mr. W. L.
Baksh, Maulvi Syed Majid.
Bal, Rai Sahib Lalit Kumar.
Bal, Rai Bahadur Sarat Chandra.
Barma, Babu Promhari.
Basu, Mr. S.
Blandy, Mr. E. N.
Choudhury, Maulvi Yousof Hossain.
Chowdhury, Maulvi Abdul Ghani.
Chowdhury, Haji Badi Ahmed.
Das, Babu Gurupreead.
Faroqui, the Hon'ble Nawab Sir Mohiuddin, of Ratanpur.
Ferguson, Mr. R. N.
Gilchrist, Mr. R. N.
Graham, Mr. H.
Griffiths, Mr. Charles.
Guha, Mr. P. N.
Kaidar, Mr. S. K.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hogg, Mr. G. P.
Hooper, Mr. G. G.
Hossain, Maulvi Muhammad.
Hossain, Maulvi Latafat.
Jenkins, Dr. W. A.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Khan Bahadur Maulvi Hashem Ali.
Khan, Mr. Razaur Rahman.
Khan, Maulvi Tamizuddin.
Kindersley, Mr. J. G.
Maguire, Mr. L. T.
Mitter, Mr. S. C.
Mullick, Mr. Muhanda Behary.
Nag, Rev. B. A.
Nag, Babu Sub Lal.
Porter, Mr. A. E.
Quasem, Maulvi Abul.
Raheem, Mr. A.
Rahman, Khan Bahadur A. F. M. Abdur.
Rahman, Maulvi Aziaur.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Reid, the Hon'ble Sir Robert.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Sandaulah, Maulvi Muhammad.
Sen, Rai Bahadur Akshoy Kumar.
Sen, Rai Bahadur Gris Chandra.
Shahabuddin, the Hon'ble Mr. Khwaja.
Singha, Babu Kshetra Nath.
Steven, Mr. J. W. R.
Stevens, Mr. H. S. E.
Walker, Mr. J. R.
Woodhead, the Hon'ble Sir John.
Wordsworth, Mr. W. C.

The Ayes being 7, and the Noes 56, the motion was lost.

The original demand of the Hon'ble Nawab Sir Mohiuddin Faroqui, of Ratanpur, that a sum of Rs. 95,76,000 be granted for expenditure under the heads "41—Civil Works" and "60—Civil Works not charged to revenue" was put and agreed to.

43—Famine Relief.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 2,00,000 be granted for expenditure under the head "43—Famine Relief."

Motions for reduction.

Maulvi ABUL QUASEM: Sir, I beg to move that the demand of Rs. 2,00,000 under the head "43—Famine Relief" be reduced by Rs. 100 (policy and inadequacy of the provision).

Sir, at the outset I wish to express a grievance. Government have declared that in eleven districts of the Presidency and the Burdwan Divisions there exists distress of so severe a type that a special Additional Commissioner has had to be appointed to look after and organise famine relief work, but, Sir, Government have allotted only ten minutes for the discussion of a subject which is all-important at the present time. The time allotted is very short, in my opinion; in view of the gravity of the question and of the widespread character of the distress that prevails, I submit that Government ought to have been pleased to allot more time for this subject. My district is in the grip of famine conditions. In discussing the other day, motion No. 472, which stood in my name, under the head "Police," I gave some account of the distress that prevailed in certain parts of my district. Just now in two thanas of the Satkhira subdivision and also in two thanas of the Bagerhat subdivision test works have been started. In Shyamnagar thana of the Satkhira subdivision there is so much distress——

Nawab MUSHARRUF HOSAIN, Khan Bahadur: On a point of order, Sir. Here is a circular issued to us which says that this subject is to be taken up to-morrow.

Maulvi ABUL QUASEM: That relates to a supplementary demand and not to this budget demand.

Mr. PRESIDENT: Perhaps the Nawab Sahib has got hold of a wrong paper. Are you satisfied now?

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Yes, Sir.

Maulvi ABUL QUASEM: As I was saying, Sir, the demand for work in Shyamnagar thana is so great that the district board authorities are finding it very difficult to cope with the demand. When famine conditions are prevailing in eleven districts, we find that a provision to the extent of 2 lakhs only has been made in the coming year's budget. I do beg to submit most seriously that this is too inadequate a sum to cope with the gravity of the situation, which Government themselves admit, prevails in eleven districts of Bengal. I have already stated, Sir, that in my district famine conditions are actually prevailing in certain parts, and as the year advances, these conditions will become more grave. I do not understand how Government can expect to meet the demands for relief in eleven districts with this paltry sum of 2 lakhs. Government draw a distinction betwen distress and famine, but I can say here, without any fear of contradiction, that actual famine conditions are prevailing in certain parts of my district. Government have not yet started gratuitous relief there. Those who are able-bodied are coming forward to work for which they are remunerated at not more than 4 to 8 pice per diem, and, Sir, it is not everyone that can earn this maximum sum of 2 annas per diem! Even women have come out for work, a phenomenon which had never been witnessed before in my part of the country. They are only too eager to carry baskets of earth on their heads for any amount—a thing which they have never done before! That shows, Sir, the seriousness of the distress that prevails there. They are also suffering from a shortage of cloth which beggars description. Earnings from test works cannot keep a family alive, but no measures of gratuitous relief are yet in sight. I do not know, Sir, how long Government will be sitting on the fence and will simply be going on with test works. I, therefore, appeal to the Government to come forward to ease the situation by granting all kinds of relief which are needed and to which these unfortunate, and distressed people are entitled. I hope and trust that Government will not delay declaring the existence of famine conditions and taking the necessary steps in consequence. The other day I spoke on this subject in detail, and I do not wish to take up more time for I anticipate there are other speakers who would like to speak about conditions in their own districts. I fervently hope, however, that more money will be forthcoming, and that gratuitous relief will soon be started in my district as it is urgently required there.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, the provision under "43—Famine Relief" does not give a full idea of what Government have been doing to relieve distress. I shall give some up-to-date

figures for the current financial year. Government have sanctioned the following amounts for this purpose;—

		Rs.
Agricultural loans	... ...	8,12,802
Land improvement loans	... ...	1,14,125
Test works ...	... ...	2,36,578
Gratuitous relief	... ...	47,262
	Total ...	12,10,767

Although in the budget, under the head "43—Famine Relief," the amount shown was Rs. 1 lakh only, we spent as much as Rs. 12,10,767. Originally only one lakh was budgeted for, but it was found inadequate on account of the failure of rains and partial failure of winter rice crop. It is quite true that distress prevails in various districts. It prevails in 11 districts. Apart from spending this money, we are trying to get an allotment from the Indian Peoples Famine Trust Fund, and we are in communication with the Government of India. (A VOICE: How much?) How much the Government of India will pay I cannot say.

Government have also appointed an Additional Commissioner to look after famine work. Mr. Martin who was the Revenue Secretary some time ago has been appointed to organise, co-ordinate and supervise relief measures, and he has been touring in the affected districts. We are getting detailed reports from him very frequently. He has been inspecting test works, and wherever relief is necessary, arranging for it. Test works have been opened in several districts, and every effort is being made to relieve distress. Mr. Abul Quasem has given us a harrowing picture of acute distress in a portion of the Khulna district —I believe he referred to the Satkhira subdivision. We are taking steps to give adequate relief there. Test works have been opened. So far as gratuitous relief is concerned, there are some difficulties of payment out of public funds. But steps are being taken to give gratuitous relief, not in the shape of money, but in the shape of clothes and other things out of private charity. Government are fully alive to the gravity of the situation. There is no doubt that there is acute scarcity in many places now, but we are taking every possible measure to meet the situation. I cannot within the short time at my disposal give a detailed account of the schemes which we have taken in hand. The Additional Commissioner has been constantly discussing matters with local authorities. We have also deputed officers from various departments to help him in relief work and in most districts relief works are in train. In some places it is well organised, and in other places it is

not so well organised, but the Additional Commissioner is co-ordinating the efforts made by the District Officers and others, and up to now Government are satisfied that steps which are being taken are on the right lines. It may be that opinions differ as to the adequacy of the relief. There is always room for difference of opinion on that point, but I can assure the House that this is one of the matters which is constantly engaging the serious attention of Government.

Maulvi ABUL QUASEM: After hearing the Hon'ble Member, I beg leave of the House to withdraw my motion.

The motion was by leave of the House withdrawn.

The original demand was put and agreed to.

45—Superannuation allowances and pensions, and 60-B—Commuted value of pensions not charged to revenue.

The Hon'ble Sir JOHN WOODHEAD: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 82,33,000 be granted for expenditure under the heads "45—Superannuation allowances and pensions," and "60B—Commuted value of pensions."

The motion was put and agreed to.

46—Stationery and Printing and Depreciation (Reserved) for Government Presses.

The Hon'ble Sir JOHN WOODHEAD: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 19,40,000 be granted for expenditure under the head "46—Stationery and Printing and Depreciation (Reserved)—Government Presses."

Maulvi ABDUS SAMAD: I beg to move that the demand of Rs. 35,000 under the head "46E—Stationery and Printing—Bengal Government Press—Pay of officers" be reduced by Rs. 100 (to discuss the grievances of the industrial employees, Bengal Government Press).

Sir, the question of proper treatment of labour has been receiving increasing attention of civilized governments all over the world. Labour, weak and dependant as it is, look to the legistative enactments for the protection of its legitimate rights and all the modern Governments unhesitatingly lend their support to this noble cause. Unfortunately, however, the attitude of the Bengal Government seems to be quite indifferent to labour—even to its own workers. It would not have been necessary for me to bring this motion had the Government

been sympathetic and reasonable in the matter. Take the case of the piece-workers of the Bengal Government Press. They are to work under the piece system. The system itself is defective and anomalous. It has a growing tendency to lead to the decrease of earnings of the piece-workers. I know, Sir, that the Hon'ble Finance Member will defend this system on the alleged ground that it allows the good, smart and clever worker to earn wages in proportion to his skill. But judging from the practical working of the piece-system it can safely be asserted that the system yields minimum wages for maximum labour due to the peculiar design of the system. It is needless to say, Sir, that the rates for the piece-work require constant revision in order to keep the earnings of the workers steady. But what do we find in case of the Bengal Press? Not only has the Government itself not revised the rates, but it has ignored the recommendation of this Council in this matter. In 1928 and 1929 resolutions were passed in the Council recommending the appointment of an Enquiry Committee to enquire into the alleged grievances of the workers, but for reasons best known to the Government, no effect has yet been given to those resolutions. I am convinced, Sir, that there is ample room for jobbery and favouritism under this system. Then as regards the rules relating to the condonation in the break of service, as also in the matters of promotion and appointments in the press, they are differently interpreted, to suit the whims of the Officer in charge. I am informed, Sir, that an appointment of Rs. 20 only was not given to the old hand who was officiating in that post at that time, but was given to a man related to one of the menials of the officer in charge. Instances are not rare where the rules of the Government are flouted by the officer vested with the power of applying the same. The old records of the press will go to show that the industrial employees like the compositors were promoted to important post like section-holders, and they discharged their responsibilities efficiently. Not a single instance could be cited where these industrial hands prove unsuccessful in holding these responsible posts. But suddenly this salutary practice has been given up to the detriment of the employees. It is not known why the old, efficient hands are to be replaced by raw apprentices. Sir, several Bengali Lino machines have recently been purchased at an enormous cost without being satisfied as to the work they can produce. The introduction of this Bengali Lino system has brought no benefit to the Government; on the contrary, the operators are suffering much due to their decrease in the earnings. I fail to understand, Sir, why a system, that has proved disastrous both to the employees and employers, has been introduced.

It is on the floor of this House that the Hon'ble Mr. Marr stated on the 18th August, 1929, that the older hands, if they so desire, are to be given lighter work as recommended by the Piece-Workers' Committee. This assurance was repeated by the Hon'ble Finance Member on 28th March, 1935. But, Sir, this order of the Government is

deliberately being flouted and the really needy hands working for over 20 years or more are wilfully shut out from the beneficial effect of this order. There is no system of increment of the piece-rated employees on the ground that it is not an incremented system. But it is very strange that these piece-rated employees are not even allowed the increment of their grade. Here, too, favouritism plays an important part. There are other instances of this nature under which the piece employees are groaning but there is no use of multiplying them. I appeal to the Hon'ble Finance Member to appoint an enquiry committee in pursuance of the resolutions of this Council referred to in February and August, 1928, and in 1929.

There is no use multiplying the grievances of the employees. I hope the Hon'ble Finance Member will be pleased to consider the recommendations of this House as passed in the resolution of 1929, and appoint an Enquiry Committee for the purpose of investigating into the grievances of these workers, and redressing the same as far as practicable.

Mr. P. BANERJI: Sir, I rise to support the motion. The Hon'ble Member perhaps will move in the matter this time and not simply pass a remark as he did on the 24th March—"all persons from buses come to accuse the press." But as the buses are considerably improved, I thought that it would be the best thing now to come to the press. So I brought it to the notice of the Hon'ble Member and after 12 months and 2 days we find that the grievances of the press employees exist as before as our Muhammadan leader Maulvi Abdus Samad has said. The allegations that have been made are quite genuine as has been pointed out by the committee that was formed, but the recommendations of which were not taken into account. The mover of the motion was referring to the speech made by the Hon'ble Mr. Marr on the 18th August, 1928, but I would refer to the answer given by the present Hon'ble Member to a question on the 13th December, 1935. He said that he accepted the recommendations partially and in a modified form, but I find that the net result is absolutely nil; no redress of the grievances has been made. Therefore, it stands to reason that this department needs absolute overhauling. But the Hon'ble Member always depends on the reports of those men against whom accusations are made. So it is no use bringing the grievances of the press employees to the notice of the Hon'ble Member. How hopeless is the state of affairs in this department has been pointed out by Mr. Abdus Samad. There is sufficient room for favouritism and often great injustice is done. I pointed out last year that those who were good sportsmen are only taken in as apprentices; no other qualifications count. So there is room for favouritism. I say that although preference might be given to men who are sportsmen, they must also be qualified for the work in the press.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to support this motion so far as it seeks to redress the grievances of the piece-workers in one particular respect. These piece-workers are not in receipt of any salary as other Government servants are, and as they grow in age and in experience they cannot earn as much as they do in junior period. These are as hard-working a lot as other Government officers are, but when they grow old they cannot turn out the same amount of work as they do in their younger days. With their age their income diminishes and they are heavily burdened with a large family, they begin to curse their own lot and their own masters. There is no reason why they should not be placed in the same position as other salaried servants.

Apart from this, that there is something wrong in the administration of this department is apparent from the fact that the senior Linotype operators are being given Bengali Linotype machines to work with. As they are new to the work necessarily their earnings become less and are on the same level with that of the raw recruits. It appears that formerly their work was with the English Linotype in which they acquired proficiency; they are now provided with Bengali machines. The Bengali machines are new and it requires the same training both for junior and senior men. They have protested on this score, but their protest has gone unheeded. That shows that the immediate superiors of these people have got no sympathy for them; no Government office can be efficiently run unless the office Superintendent has a broad view and has sympathy with the workers whose lot certainly is very hard. I wish to impress upon you the fact that as these workers have brought their grievances to the notice of Government, the Hon'ble Member should kindly look into the matter and if he finds that the grievances are just, he should not dismiss them curtly. If, on the other hand, any of their demands be found to be unreasonable or having no basis, Government can very well say that they cannot accommodate them in that matter. So I request the Hon'ble Member to look into their case and do them justice which is overdue.

The Hon'ble Sir JOHN WOODHEAD: I am astonished when every year members of this House rise and speak as if the employees in the Bengal Government Press are the most downtrodden people on the face of this earth. Mr. Abdus Samad said and insinuated that the employees in the Bengal Government Press are not treated as they should be treated in a civilised country. That statement and the further statement that the attitude of Government towards these employees is one of complete indifference is a travesty of the truth. Sir, I will give the House a few facts as regards these "downtrodden" employees of the Bengal Government Press. In 1933, the Factories Department made enquiries as regards the wages of industrial workers, including workers in presses, and I have extracted these figures from that report.

In the Bengal Government Press I find that the average monthly wages earned by the employees, with the exception of the Monotype casters, were from 50 to 100 per cent. more than the average wages earned by employees in private presses, and I can say without fear of contradiction that the wages in the Bengal Government Press are higher than in the majority of private presses in Bengal—considerably higher. If we compare our rates with the average rates paid in the private presses in Bengal—I am not speaking of the very small presses but of the larger well-managed presses—we find that our wages are on the average higher, indeed much higher. A committee was appointed in 1926 to enquire into the conditions of employment in the Bengal Government Press, and that committee made recommendations. As a result of those recommendations a piece-worker in the press gets 16 days' holiday a year on full pay. If he has served for more than 10 years that 16 days is increased to 23 days, and if he has served for more than 15 years he gets 31 days' leave on full pay. Again, practically every piece-worker is either entitled to a pension or the benefit of a provident fund. In how many private presses in Bengal is that the case? Further, all regular workers are allowed sick leave on half-pay up to one month a year. And, lastly, our employees work in one of the finest press buildings in India; they certainly work under the best of conditions. I notice Mr. P. Banerji has left the House. During the adjournment I enquired as regards the figures he quoted when he spoke on the cut motion on the demand under Miscellaneous Departments and so far as I have been able to discover the information he gave was wrong. The case of lead poisoning to which he referred was that of an employee who alleges that he is suffering from lead poisoning, but who in the opinion of the Medical College authorities is not suffering from lead poisoning.

Our employees work 45 hours a week, 8 hours a day on 5 days and 5 hours on Saturdays. Their wages are not low. The wages of Mono operators in 1934-35 about Rs. 170 a month, compositors (again I quote the figures for 1934-35) Rs. 82 a month, distributors Rs. 44, machinemen Rs. 80, machine-inkmen as much as Rs. 54; binders, first class Rs. 64; second class Rs. 44 and third class Rs. 29. These are good wages; high wages. When people come forward and say that these employees have serious grievances, I refuse to believe them. Of course individual employees may have grievances; some individuals may think that they have not been treated fairly, but such cases of individual grievances, fancied or real, occur in all large establishments. To say that the workers in one press as a body have any real grievance when they are so well paid, when they work only 45 hours a week, work in one of the finest buildings in India and get up to 31 days' leave on full pay a year is a proposition I am not prepared to accept.

As regards individual cases, where a workman thinks that he has been unfairly treated, I cannot deal with such cases on the floor of

this House. Individual cases must be examined on their merits, but so far as I am aware there have been very few cases of workmen complaining of unfair treatment.

I should also mention that we have a Sports Club; Government contributes Rs. 750 a year subject to the condition that a certain amount is also subscribed by the employees towards the Sports Club. It was suggested last year that persons were taken in because they were good sportsmen; that is not so. We have good sportsmen in our employ, that is true, but they are not appointed because they are good sportsmen. Sir, I have attended the Annual Sports for some years. The Annual Sports are a very popular event so far as the press is concerned, and arouse considerable enthusiasm. To say that employees are engaged because they are good sportsmen is a statement which I do not believe and one which I deny.

Then, Sir, about apprentices. We have heard a lot about these apprentices, but nobody ever thinks of talking about the wage an apprentice gets. An apprentice, even if he is only 17 years of age, starts with Rs. 30 a month, and I believe he rises, before his apprenticeship is over, to a wage of about Rs. 60 a month. These apprentices are not ill-paid or unpaid. They are persons of considerable education and the large majority of them, whether Muhammadan or Hindu, are *bhadralog*. They commence on wages which are quite good, they get increments, and if they turn out good workmen, they are given permanent employment.

Mr. Satish Chandra Ray Chowdhury said something about the Bengali Linos. These machines are new to the press and piece-work rates have to be decided by experiment. Quite recently we increased the initial rate by 50 per cent. The matter is still in the experimental stage. We have to find out by experiment how much the operators can earn on these new machines. I believe, Mr. Ray Chowdhury has never visited the press. I would advise him to go down and see the building and the conditions under which the men are working there, and take note of the wages they earn.

Maulvi Abdus Samad said that these Bengali Linos are of no use. On the contrary, I believe they are going to be of great use. They will be very useful for printing the electoral rolls in Bengali, and will be a safeguard against exorbitant charges by private presses. They will make us less dependent upon private presses for the printing of electoral rolls in Bengali and this is important for it is doubtful whether the private presses will be able to cope with the printing of the new electoral rolls in Bengali.

Mr. Banerji said something about the need of a wholesale overhaul of the press. I can assure him if there is to be any wholesale overhaul it will be a wholesale reduction of the high salaries drawn by piece-workers in the press. The wages we pay compare very favourably

with those paid in private presses in Calcutta and the rest of Bengal and we pay higher than are paid at Government presses in other provinces.

I oppose the motion.

The motion was then put and lost.

Mr. P. BANERJI: I beg to move that the demand of Rs. 35,000 under the head "46E—Government Presses (Reserved)—Bengal Government Press—Pay of Officers" be reduced by Rs. 100 (just to raise a discussion about the overhead charges in comparison with those of other provinces).

Sir, I should like to hear what the Hon'ble Member has to say on this particular subject. I hope this time he will not be upset as he was in connection with the other motion when it was brought to his notice that there was grave irregularity in the Bengal Government Press so far as its establishment was concerned. He then said that it was a travesty of truth. In this connection, I must say that it is just the reverse in this case. In referring him to the case of lead poisoning, I was going to say that there were 23 cases of lead poisoning sent by Mr. Battersby to the Medical College. I would ask the Hon'ble Member to enquire whether it was a fact or not. There was another case of Babu Satish Chandra Mitter who applied to the Workmen's Compensation Commissioner for compensation. These would go to prove that the facts are just the reverse. There is a Bengali saying that গয়লা কখনও বলে না যে তাহার দুধে জল আছে Government's position is that they always try to defend their position——

Mr. PRESIDENT: Order, order. Do you intend to speak on the motion that is now before the House?

Mr. P. BANERJI: Yes, Sir. Now about the overhead charges. The overhead charges are the highest in Bengal as compared with other provinces. This is due to the fact that the recommendation of the Retrenchment Committee was ignored. The Hon'ble Member said that the work done in the press was nice. Nobody disputes that. Last year when the matter was under discussion in this House, the Hon'ble Member pointed out that the Council questions could be printed in the press in 24 hours' time and that showed that there was efficiency in the press. To this I may say that that is a sort of thing which is done in every press. If the Hon'ble Member would take the trouble of making an enquiry, he would find that the same sort of thing is done in every press. And the pay of the printer of the *Statesman* Press is not more than Rs. 300 and that of the *Amrita Bazar Patrika* is not more than Rs. 200. I consider that better efficient work is done in

those presses in view of the fact that within a short space of time they have to print so many volumes of newspapers and besides they have to work day and night. However, that is beside the point. The point is why in the Government Press the Superintendent should get Rs. 1,200, and there are as many as three Deputy Superintendents drawing a very high salary too. Last year I pointed out that the management in the Government of India Press, where they have one Manager, one Assistant Manager and one Overseer to manage the work of 720 operatives besides supervisors and clerical staff, was not so expensive, and the work there is done very efficiently. The difference in cost on the Government Press in Bengal and Madras is something like Rs. 1,75,000. May I enquire why the difference is so much? As I have said, this high expenditure in the press is simply due to the fact that the recommendation of the Retrenchment Committee was not given effect to. If the press is conducted for a little time longer in the way in which it is done at present, I am afraid in no time the administration of the press will be at a standstill. I know some retrenchment was effected in the press, but the difficulty is that it was not effected where it was absolutely necessary. Retrenchments were effected in the lowest grades. But if a person drawing a fat salary were removed, you could retain the services of 83 men whom you retrenched. And in spite of these retrenchments, the overhead charges remained the same as before. In 1922-23 there were 573 operatives with 22 supervisors. In 1927, the number of operatives was 322 and the number of supervisors, etc., increased to 310. In 1935 the number of operatives was 295, while the strength of the supervising staff, including readers and clerical staff, was increased to 320. How can the Hon'ble Member defend his department so far as the above figures are concerned? As I have said, the number of operatives and the overhead charges in the Government of India Press are considerably lower than those in the Bengal Government Press. There is gulf of difference between the two. The Hon'ble Member may say that the difference is due to the fact that that press belongs to the Government of India. But anyway it is situated in the same city of Calcutta, and they are doing the same amount of efficient work. Therefore, I challenge the Hon'ble Member as to why the cost of the Bengal Government Press should be so much as compared with other major provinces in India. What is the difference in the other major provinces? It is only in paper and printing and the difference is about Rs. 2 lakhs. Why should this money be wasted unless there is some mismanagement and corruption? Let the Hon'ble Member say that it is not so. Perhaps in the fitness of things the Hon'ble Member need not take the trouble of making an enquiry into the matter. When I become the Finance Member or Minister during the new Constitution, I hope I shall be able to put a stop to this huge waste, and he will perhaps thank me for that. I appeal to him for the last time if he will please

more in this matter and make a sifting enquiry. With these words, I commend my motion to the acceptance of the House.

The Hon'ble Sir JOHN WOODHEAD: Sir, I find it extraordinarily difficult to follow Mr. P. Banerji. The item in the budget to which he has drawn attention is the "large" sum of Rs. 35,000 to what, as I understood him, he describes as our overhead charges, our expenditure on the salaries of the Superintendent, the Deputy Superintendents, the Managers of the Government Press in Darjeeling and the Private Secretary's Press. Thirty-five thousand rupees, Sir, a large sum indeed! The total expenditure on the press excluding paper, is in the region of Rs. 7¾ lakhs. Now, Rs. 35,000 of Rs. 7¾ lakhs is 5 per cent. So, the overhead charges are the enormous sum of 5 per cent. Mr. Banerji says that the overhead charges in the Bengal Government Press are higher than those of any other province, and if I understood him aright they are, in his opinion, higher by lakhs of rupees. But, Sir, if they only amount to Rs. 35,000 they cannot be higher by lakhs. At one stage, Mr. Banerji said "a lakh" and at another stage he said "lakhs." The difference of "lakhs," to which Mr. Banerji draws attention, is, as I indicated in dealing with a previous motion, due to the fact that we pay very good wages to all employees engaged on printing work in the press. That, Sir, is the explanation of the "lakh," or the "lakhs," to which Mr. Banerji draws attention. Again, Sir, the cost of maintaining the clerical establishment, the staff of *mistries* and so forth, is not an "overhead charge"; those classes belong to the ordinary staff—not to the overhead staff. The expenditure on the clerical establishment certainly should not be included in overhead charges.

As regards the recommendations of the Retrenchment Committee, what we did was this: We abolished the post of Manager of the Government Press in Darjeeling, a post, I think, on about Rs. 500 a month. That post was abolished. We also decided to abolish, or rather substitute for, one post of Deputy Superintendent, one post of an Assistant Superintendent on a lower rate of pay, directly there is a vacancy. The present Superintendent of the Press is drawing near to his retirement; so, within a year or two at the most there will be a vacancy, and it is our intention then not to appoint another Deputy Superintendent, but to abolish one of those posts and to create in its place a post of Assistant Superintendent on a lower scale of pay. I oppose the motion, Sir. If our expenditure is high, it is not due, as I have stressed before, to heavy overhead charges, but to the very good pay we give to our employees in the press.

The motion of Mr. P. Banerji was put and lost.

(At this stage the Council was adjourned for fifteen minutes.)

(After Adjournment.)

(The Council reassembled with Mr. Deputy President in the Chair.)

The time-limit for the discussion of the head "46—Stationery and Printing and Depreciation (Reserved) for Government Presses" having been reached, the original demand of the Hon'ble Sir John Woodhead was put and agreed to.

47—Miscellaneous.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 18,53,000 be granted for expenditure under the head "47—Miscellaneous."

The original demand was put and agreed to.

Expenditure in England.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 7,50,000 be granted for expenditure under the head "Expenditure in England."

The original demand was put and agreed to.

Loans and Advances.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 20,05,000 be granted for expenditure under the head "Loans and advances."

Motion for reduction.

Maulvi ABDUL HAKIM: Sir, I beg to move that the demand of Rs. 32,000 under the head "Loans and Advances by Provincial Governments—Class II—Loans under the Drainage and Embankment Act, and the Bengal Agricultural and Sanitary Improvement Act" be reduced by Rs. 100 (erecting an embankment in the temporarily-settled estate Borarchar in the Mymensingh district for protecting *aman* paddy from the current of the annual flood).

Sir, for some years past the flood water of the old Brahmaputra river enters the tracts of low lands situated at the northern and eastern portions of the temporarily-settled estate Borarchar in police-station Kotwali in the district of Mymensingh, as a consequence of which the *aman* paddy to be sown in an area of over 5 miles in length and about 1 mile in breadth is damaged every year owing to the current of flood water. The villagers as well as members of the union board have earnestly requested the authorities, through the Collector, to prevent this serious damage by diverting the course of water current by means of an earthen *bund*. If early steps be not taken for the work, many people of this *mahal* will have to starve in the near future in these hard days for want of their staple food crop. They are now quite unable to pay their rents for these low lands. If they surrender their lands, that would mean a loss to Government. As no silt accumulates on these low lands now, there is no apprehension of the land being less fertile in the future if any *bund* is actually erected. Expert officers, including the Superintending Engineer, Southern Circle, have made local enquiries and have recommended the scheme, and a site plan and an estimate of cost were prepared by the department. As far as I know, the estimated cost amounts to Rs. 10,000, or so. Year before last the Irrigation Department sent out a circular to all districts asking for small schemes of irrigation and drainage which would not exceed an expenditure of Rs. 10,000. Sir, after receiving the circular, not only myself but also the union board of the *elaka* sent representations to the Irrigation Department for undertaking the work, but to no effect. Sir, Mymensingh is the premier agricultural district not only in Bengal but also in India, and I can assure this House that not a single scheme for the improvement of agriculture has been taken up in this district since the beginning of British rule in India. A large sum of money, amounting to more or less Rs. 16 lakhs, has come to Bengal's share for rural reconstruction, and Government could easily undertake this work out of this fund, if any money is not available from any other fund, such as Loans and Advances by the Provincial Governments.

The matter has long been pending in the Irrigation Department, and was discussed threadbare last year.

As the time at my disposal is very short, I do not like to lengthen the discussion further. But before bidding good-bye to the Hon'ble Member in charge, I again pray that for God's sake he should take early steps to have the work done either from the rural reconstruction fund or from any other fund that may be available for the purpose.

With these few words, Sir, I move my motion.

Mr. J. B. KINDERSLEY: Sir, loans and advances for improvements under the Agricultural and Sanitary Improvement Act have to be

arranged on a guarantee that that money is going to be recoverable from the people for whose benefit those improvements are carried out. The tenants of the Borarchar estate so far have not been able to give the Government any such guarantee in spite of enquiries made. It is for this reason that no action has been taken for that estate. I oppose the motion, Sir.

The motion was put and lost.

(At this stage the time allotted for the discussion of this head having been reached, no other motion could be moved.)

The original demand of the Hon'ble Sir John Woodhead was then put and agreed to.

Mr. DEPUTY PRESIDENT: The Council stands adjourned till 3 p.m. to-morrow.

Adjournment.

The Council was then adjourned till 3 p.m. on Friday, the 27th March, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 27th March, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 78 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Appointment of District Engineer of Pabna District Board.

*85. **Babu JITENDRALAL BANNERJEE:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing the present position with respect to the appointment of a District Engineer of the Pabna District Board?

(*b*) Is it a fact—

(*i*) that the post of District Engineer was advertised for by the Pabna District Board some time in the early part of last year; and

(*ii*) that in response to this advertisement, many candidates, qualified under the Government rules of service, applied for this appointment?

(*c*) Is it a fact that the Board selected for the job a candidate named Mr. M. Hossain who was not technically qualified for the service under Government rules as not possessing the requisite academic degree and not having the requisite amount of experience?

(*d*) Is it a fact that the Divisional Commissioner refused to sanction the appointment and that the matter came up for consideration before the Government?

(*e*) Is it a fact that the Government changed the rules of service and the requisite qualifications for a District Engineer's post in order to meet the exigencies of this particular case?

(*f*) Is it a fact that, in spite of such change of rules, the gentleman in question is still unqualified for a District Engineer's post, as not having the requisite amount of experience?

(*g*) Is it a fact that, in view of such want of the requisite amount of experience, the Divisional Commissioner has again refused to sanction the appointment of the gentleman in question?

(*h*) Is it a fact that, in spite of these repeated refusals to sanction the appointment on the part of the Divisional Commissioner, the District Board—

(*i*) are still persisting in their attempt to appoint an unqualified man;

(*ii*) have twice appointed Mr. Hossain to officiate in the post of District Engineer for periods of 4 months at a time; and

(*iii*) are enabling Mr. Hossain to acquire the necessary qualification of 5 years' experience?

(*i*) What steps, if any, do the Government contemplate taking to compel the District Board to act according to the rules and orders of the Government?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) The answers below will give the necessary information.

(*b*) (*i*) Yes. The post was advertised by the Pabna District Board on the 21st February, 1935.

(*ii*) Yes.

(*c*) The Board selected Mr. M. Hossain, a candidate possessing A.M.I.E. (Ind.) Diploma. The question of recognition of this diploma as a qualification for appointment as a District Engineer was then under the consideration of Government.

As regards experience, he worked for 3 years and 7 months as an apprentice under a Member of the Institution of Civil Engineers and then held the rank of Subdivisional Officer for 3 years and 10 months in the Eastern Bengal Railway. The recruitment rules require that the appointee must have been in charge of important works for 5 years.

(*d*) Yes. The Divisional Commissioner declined to approve of the appointment. The District Board then referred the matter to Government.

(*e*) No. The change was made at the instance of the Royal Institution of Engineers (India) and after inviting objections and considering them.

(*f*) The Commissioner is of this opinion.

(*g*) Yes.

(*h*) (*i*) The District Board sent a representation and a deputation to the Commissioner of the Rajshahi Division, and with his permission they have represented the matter to Government.

(*ii*) Yes.

(*iii*) The periods of his temporary appointment may have this effect.

(*i*) The representation of the District Board is under consideration of Government.

Babu JITENDRALAL BANNERJEE: Does the Hon'ble Minister agree that when Mr. Hossain was appointed as District Engineer, he was disqualified under the Government rules?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: This matter is under the consideration of Government, and I do not propose to express any opinion on this particular point.

Babu JITENDRALAL BANNERJEE: I do not ask the Hon'ble Minister to express any opinion. What I ask is: Was he or was he not, as a matter of fact, unqualified at the time when he was appointed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The rule was not then changed, so technically he was unqualified.

Babu JITENDRALAL BANNERJEE: With reference to (*f*), is not the Commissioner the final authority in this matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Babu JITENDRALAL BANNERJEE: Then what is the meaning of saying in the answer that "the Commissioner is of this opinion"?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, that is the opinion of the Commissioner.

Babu JITENDRALAL BANNERJEE: When a person is employed as apprentice under a member of the Institution of Civil Engineers, does that mean that he had independent charge of important works?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is the particular point under consideration of Government, and it would be very undesirable to express any opinion in the matter.

Babu JITENDRALAL BANNERJEE: How long is the matter under consideration of Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: About a month.

Babu JITENDRALAL BANNERJEE: Will it continue to be under the consideration of Government till the period of disqualification disappears?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Certainly not.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister be pleased to state, apart from holding the diploma of the Institute of Civil Engineers, what other educational qualifications Mr. Hossain has?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I ask for notice of that question.

Mr. S. M. BOSE: With reference to (*d*), viz., "that the district board then referred the matter to Government," what authority has the Government in this matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The general authority of supervision.

Dr. AMULYA RATAN GHOSE: With reference to answer (*d*) (*i*), when did the deputation reach the Commissioner?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: About a month ago.

Babu JITENDRALAL BANNERJEE: With reference to (*e*), did the Government consult its own engineering experts as regards the diploma of A.M.I.E. (Ind.)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir. Government took the opinion of the Principal, Sibpur Engineering College, and of the Chief Engineer, Public Works Department.

Babu JITENDRALAL BANNERJEE: What was the opinion of these experts?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: They said that the qualification was higher than B.E.

Lead-poisoning in Presses.

*86. **Mr. K. C. RAY CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to lay on the table a statement showing since 1935—

(*i*) how many cases of lead-poisoning have occurred in the Bengal Government Press; and

(*ii*) in how many of such cases the Government have had to pay compensation, with the names and designations of the men compensated and the amount paid to each of them?

(*b*) Are the employees of the Bengal Government Press regularly xamined and preventive measures taken?

(*c*) Is the Hon'ble Member aware from expert opinion or statistics that lead-poisoning cases crop up from bad sanitation?

(*d*) If the answer to (*c*) is in the affirmative, is the Hon'ble Member also aware that presses owned by private persons are worse from the sanitary point of view than the Government Presses?

(*e*) Will the Hon'ble Member be pleased to lay on the table a statement showing for the year 1935—

(*i*) how many presses were visited by the Inspector of Factories;

(*ii*) in how many cases were the proprietors prosecuted for violation of the Factory Rules;

(*iii*) in how many cases were these prosecutions launched upon for violation of the sanitary rules of the Factory Act and with what results;

(*iv*) how many cases were examined by the Certifying Surgeons;

(*v*) how many cases were found out or suspected by them to be lead-poisoning cases;

(*vi*) the number, if any, of those cases reported to the higher authorities by the Certifying Surgeons;

(*vii*) the names of the victims and the presses in which the lead-poisoning cases were found out?

(*f*) Did the Certifying Surgeon visit the Bengal Government Press in the years 1931, 1932, 1933, 1934 and 1935?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) (*i*) None.

(*ii*) Does not arise.

(*b*) Yes.

(*c*) and (*d*) The attention of the hon'ble member is invited to the reply given to (*c*) and (*d*) of starred question No. 152 asked by Dr. Naresh Chandra Sen Gupta on the 23rd March 1934.

(*e*) (*i*) One hundred and nine.

(*ii*) Fifteen.

(*iii*) One in which the accused was fined Rs. 100.

(*iv*) Twenty-five scheduled workers were examined.

(*v*) None.

(*vi*) and (*vii*) Do not arise.

(*f*) Since September, 1934, under special orders of Government all employees of the Bengal Government Press engaged in lead processes have been examined quarterly. Prior to September, 1934, the Certifying Surgeon did not visit this Press.

Printing voters' list.

*87. **Maulvi LATAFAT HUSSAIN:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether it is a fact that six Lino machines have been purchased in the Bengal Government Press for printing voters' list in Bengal?

(*b*) Have the Government satisfied themselves that the machines bought are of good type?

(*c*) Is the Hon'ble Member aware that even after the purchase of the new machines the voters' list is being printed in private presses?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state the reason?

(*e*) Will the Hon'ble Member be pleased to state—

(*i*) the charge per page of the voters' list in private presses and also in Bengal Government Press; and

(*ii*) the difference, if any, in the quality of printing in private presses and in the Bengal Government Press?

The Hon'ble Sir JOHN WOODHEAD: (*a*) to (*c*) Yes.

(*d*) The volume of work is beyond the capacity of the Bengal Government Press.

(*e*) (*i*) The cost per page at the Bengal Government Press is approximately Re. 1-4. The charges made by private presses vary and full details are not available at present, but the quotations so far received point to the conclusion that the charges in private presses will on the average be considerably in excess of Re. 1-4.

(*ii*) The quality of the printing work done at private presses varies from press to press; the quality of the work done at the Bengal Government Press compares favourably with that at the most efficient private presses.

Purchase of Lino machines.

*88. **Maulvi LATAFAT HUSSAIN:** (*a*) Is the Hon'ble Member in charge of the Finance Department aware—

(*i*) that on purchasing machinery a discount of 20 to 25 per cent. is given by the Companies from whom the machines are bought; but

(*ii*) that the Government of Bengal got no discount in purchasing Lino machines for the Bengal Government Press in 1935?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reason, if any, for (*a*) (*ii*)?

The Hon'ble Sir JOHN WOODHEAD: (*a*) (*i*) and (*ii*) No discount is allowed on Linotype machinery.

(*b*) Does not arise.

Government servants and their private employment.

*89. **Maulvi HASSAN ALI:** (*a*) Will the Hon'ble Member in charge of Finance Department be pleased to state whether any Government servant is entitled to work under any private or public institution on a salaried or contract basis?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state on what terms and give specific instances?

The Hon'ble Sir JOHN WOODHEAD: (*a*) The Government Servants' Conduct Rules lay down that a Government servant may not, without the previous sanction of the Local Government, engage in any trade or undertake any employment other than his public duties.

The guiding principle is that such sanction is not given unless the private work can be carried out without detriment to the discharge of the officers' official duties.

(*b*) The following are instances in which such private employment is allowed to be undertaken:—

(*i*) Teachers in Government high schools are allowed to do private tuition;

(*ii*) Professors in Government Colleges are allowed to undertake examination work for a University;

(*iii*) Officers of the Public Works Department are allowed, in special cases, to undertake work for private parties; and

(*iv*) Medical Officers are allowed private practice.

Dacoities in Noakhali and Tippera.

*90. **Maulvi MUHAMMAD FAZLULLAH:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing, district by district, thana by thana and year by year with the names of the places of occurrence from 1933 to 1935 in the districts of Noakhali and Tippera—

(*i*) how many dacoities were committed, with firearms;

(*ii*) how many persons were arrested in each;

(*iii*) how many persons were sent up in each;

(*iv*) how many were discharged in each;

(*v*) how many cases were sent up for trial;

(*vi*) how many were convicted;

(*vii*) how many were acquitted; and

(*viii*) in how many cases final reports were submitted?

(*b*) Is it also a fact that in the Pedda (Tippera) dacoity case a confessional statement was made by some of the accused (convicted)?

(*c*) If the answer to (*b*) is in the affirmative, is the Hon'ble Member considering the desirability of publishing the statements along with the names of the party members with their respective addresses?

(*d*) Is it also a fact that the number of cases sent up is by far less than the number of cases discharged?

(*e*) If the answer to (*d*) is in the affirmative, will the Government be pleased to state the reasons which led to the causes of the failure of the large number of cases?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) A statement is placed on the Library table.

(*b*) Yes.

(*c*) No.

(*d*) and (*e*) The number of cases in which charge-sheet is submitted is usually less than the number of cases investigated by the police. The chief reason is generally lack of evidence.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Distress in Burdwan.

34. Mr. P. BANERJI: (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that public meetings are being held in the Burdwan district for the prevention of future floods?

(*b*) Are the Government considering the desirability of taking steps as demanded by the people for the prevention of floods?

(*c*) Have the Government received petitions from the tenants and *zemindars* of the district for non-realisation of rent this year?

(*d*) If the answer to (*c*) is in the affirmative, are the Government contemplating remission of rents and revenues?

(*e*) Is the Hon'ble Member aware that the Burdwan district is about to be famine-stricken?

(*f*) If the answer to (*e*) is in the affirmative, what steps do Government intend taking in the matter?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) No, except that proceedings of a meeting held at village Bora on the 2nd February, 1936, have been received.

(*b*) The floods in the Damodar depend on the intensity and duration of rainfall in the catchment area.

The flood in the district of Burdwan in 1935 resulted mainly from breaches in the Damodar Left Embankment. Every precaution will be taken to prevent a recurrence of such breaches. The matter of efficient drainage of flood water is under consideration.

(*c*) Some applications for remission of rent have been received.

(*d*) Government have no power to grant remission of rent in private estates. The necessity of remitting revenue is not yet apparent.

(*e*) Owing to partial failure of the winter rice crop on account of insufficient rainfall, considerable distress prevails in the district of Burdwan but Government have no information that a famine is imminent.

(*f*) To relieve distress caused by drought Government have allotted to the district the following amounts:—

		Rs.
Agricultural loans	...	50,000
Land Improvement loans	...	21,000
Test works	...	25,000
Gratuitous relief	...	1,500

Further sums will be allotted as the situation demands. These allotments are in addition to the grants sanctioned for relief of distress caused by the flood.

Search in the house of Babu Rabindra Nath Chandra at Amurshi in Midnapore.

35. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact—

(*i*) that the house of Babu Rabindra Nath Chandra at Amurshi (Midnapore) was searched by police and soldiers on the 25th January, 1936;

(*ii*) that the searching party raided the house at dead of night and kicked at the doors before daybreak;

(*iii*) that the searching party entered the house without allowing time and scope for the removal of the female inmates to proper places;

(*iv*) that one soldier removed a mirror during the search;

(*v*) that the property was discovered by the Subedar when the soldier was searched on complaint;

(*vi*) that the uniform and gun of the soldier was confiscated by the Subedar; and

(*vii*) that the said Subedar informed the complainant that the culprit would be put on trial for his crime and sentenced to imprisonment?

(*b*) If the answer to (*a*) (*iv*) to (*vii*) is in the affirmative, will the Hon'ble Member be pleased to state what action has been taken, or do the Government intend taking, against the said soldier for that particular offence?

(*c*) Is it a fact that the searching party has seized cuttings of *Ananda Bazar Patrika*, one *khatta* and the following books:—

(*i*) Life of Deshabandhu,

(*ii*) Life of Lala Lajpat Rai, and

(*iii*) Swaraj O Khilafat?

(*d*) Have the articles seized been found proscribed and seditious?

(*e*) If the answer to (*d*) is in the negative, are the Government considering the desirability of returning them to the owner? If not, why not?

(*f*) Is it a fact that a document was seized by the police at a previous search of Rabindra Babu's house and that the same has not yet been returned to the owner?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) (*i*) The house was searched on 25th January by police only.

(*ii*) The search party knocked at the door at dawn to awaken the inmates.

(*iii*) No. Time was allowed for the removal of female inmates from the rooms which were to be searched.

(*iv*) One soldier who was a member of a party of troops forming a cordon removed a mirror which was hanging at an open window from outside.

(*v*) Yes.

(*vi*) The soldier was placed under arrest and his rifle and ammunition were taken from him.

(*vii*) No.

(*b*) The soldier was tried by Court Martial and is undergoing a sentence of 3 months' rigorous imprisonment in military custody.

(*c*) Yes.

(*d*) and (*e*) "Swaraj O Khilafat" is a proscribed book. The remaining books and articles will no doubt be dealt with under orders of a court in accordance with the usual procedure.

(*f*) Rabindra Chandra's house was searched on the 12th July, 1934, but nothing was seized.

Dr. AMULYA RATAN GHOSE: Will the Hon'ble Member be pleased to state with regard to answer (*iv*) whether any such cases have occurred during the search in other houses?

The Hon'ble Sir ROBERT REID: No, Sir.

Dr. AMULYA RATAN GHOSE: Does not this sort of happenings lead to more frequent searches in other private persons' houses?

(No answer.)

Maulvi ABUL QUASEM: May I raise a question of privilege, Sir? You are the guardian of our privileges in this House. My point is that many questions were given notice of during the last session. Then questions of which notices were given in this session have also not been answered. There remains only one day for such questions to be answered. I would request you, Sir, to exercise your authority in the matter.

Mr. PRESIDENT: I would ask the Leader of the House to explain the position.

Maulvi ABUL QUASEM: Sir, so far as the Leader of the House is concerned, he has not answered several questions.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: There is no question of which notice has been given by my friend Maulvi Abul Quasem that is pending in any of my departments. But if he is referring to any particular question, I shall certainly enquire into it.

Mr. PRESIDENT: You have made a general complaint, Maulvi Sahib.

The Hon'ble Sir JOHN WOODHEAD: I naturally cannot speak as regards the actual position in departments other than my own. But in my own departments I know there are only one or two questions outstanding, and I believe that the majority of the departments have not many outstanding. It is rather difficult to deal with general complaints like those made by Maulvi Abul Quasem. But if we in the Treasury benches are told specifically what questions are outstanding, I am sure the Member in charge of the department concerned will make every endeavour to expedite the answers. Questions are not delayed intentionally; but sometimes a very considerable amount of time and labour are involved in replying thereto. For instance, Dr. Amulya Ratan Ghose asked a question the other day, and I hope a reply will be given on Monday. On the face of it the question looks as if it were a very simple one, but the reply which I propose to give on Monday will not be entirely a satisfactory one, because within the time available—and we have had considerable time—we have not been able to collect the information necessary to give a full reply. I have promised to answer it on Monday, but I shall not be satisfied with the reply. I may add that the question is not a very important one, but takes a lot of time and requires many enquiries to be made.

Mr. NARENDRA KUMAR BASU: May I point out to you, Sir, that your department will be able to say as to notices of how many questions were given and also how many questions were held up during the last session and how many this session?

Mr. PRESIDENT: I am afraid, it is not possible to give all the figures just at the present moment, but I shall have enquiries made in the matter and see what can be done to remedy any grievance that there may exist.

BUDGET GRANTS OF THE GOVERNMENT OF BENGAL, 1936-37.

DEMANDS FOR GRANTS.

27—Ports and Pilotage.

The Hon'ble Sir JOHN WOODHEAD: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 35,000 be granted under the head "27—Ports and Pilotage" in 1935-36.

The demand was put and agreed to.

43—Famine Relief.

The Hon'ble Sir JOHN WOODHEAD: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 1,40,000 be granted for expenditure under the head "43—Famine Relief" during 1935-36.

Motions for reduction.

Maulvi ABDUS SAMAD: I beg to move that the demand of Rs. 1,40,000 under the head "43—Famine Relief" be reduced by Rs. 100 (inadequacy).

Sir, in view of the fact that it is a demand for supplementary grant for the current year which will close within three or four days, the question of inadequacy does not really arise. But, Sir, I must say that having regard to the extent and magnitude of the distress prevailing in the eleven districts of Bengal the grant is certainly inadequate. This Rs. 1,40,000 can provide work for only about 12 lakhs of people for one day at the rate of two annas per head, whereas the people affected exceed over a crore; it is a mere drop in the ocean. Yesterday, Sir, in a similar demand for grant the Hon'ble Member in charge of Revenue was pleased to give us an assurance that the Government was not forgetful of their duty and that they were taking every possible step to see that adequate relief was provided. We are thankful to the Hon'ble Member for this assurance.

Now, Sir, if we consider the area affected by drought and failure of crop, every one must admit that relief is urgently called for. In this connection, I may bring to the notice of the Hon'ble Member the great suffering to which the people of Murshidabad have been subjected. They are victims of double calamities, namely, flood and famine. Last year flood caused great havoc in the district; it washed away the homesteads of thousands of poor people with their cattle and livestock and other belongings. The picture at present there beggars all description. They are in the grip of famine and disease—small-pox is raging in

an epidemic form throughout the district. In view of this state of things prevailing there, the case of Murshidabad, I hope, would receive special consideration in the hands of the Government.

Babu JITENDRALAL BANNERJEE: Sir, as coming from one of the affected areas, may I point out that the question of adequacy or in adequacy does not arise at all in this connection? This sum of Rs. 1,40,000 represents money that has actually been spent—money that was spent in April, May and part of June last year, and in January, February and March this year. I understand that this sum of Rs. 1,40,000, together with another sum of Rs. 1,00,000 provided in last year's budget, totalling Rs. 2,40,000 in all, represents the advances that were made to the different district boards for the purpose of carrying on Test Relief work. Whether the amount itself was adequate or inadequate for the actual needs of the country is more than I can say; but the fact remains that several district boards refunded a portion of their allotment and none received less than their demand. From that it is to be presumed that the amounts advanced were sufficient. The district of Murshidabad could not spend the whole money that was given to them: the district of Bankura was not able to spend the full amount allotted to them and returned a portion. The question of inadequacy therefore does not arise; still less is there any justification for the charge of want of sympathy that has sometimes been brought. But I can assure you that there was no want of sympathy or want of response or consideration on the part of Government. Whenever money was demanded, the full amount was forthcoming, and it rested with the people themselves as to whether they could spend the money or not.

Maulvi ABUL QUASEM: Although I do not want to belittle what the Government has done for famine relief or what has fallen from Babu Jitendralal Bannerjee, I must say that my experience is rather different from that of Mr. Bannerjee. Sir, in my district I may say from my own knowledge that relief has not been adequate. Yesterday I submitted before the House that the relief that was being given was, as a matter of fact, quite inadequate. Representations are being made by the local authorities and by myself to the Hon'ble Member in charge of Revenue, and I must admit that Sir B. L. Mitter has expressed the greatest sympathy for the distressed people and has assured us that everything possible would be done for their relief. Test Works are going on and there are more people clamouring for work than can be managed. Gratuitous relief should have been immediately granted as there was extreme need, but up till now gratuitous relief has not been given.

Maulvi ABDUL HAKIM: I have tabled this motion in order to draw the attention of the Government to the scarcity prevailing in my

district. Sir, the amount granted is quite inadequate, and my request is that Government should take further steps to provide more money for the famine relief works.

The Hon'ble Sir BROJENDRA LAL MITTER: Yesterday I gave some figures, and this sum which is now asked for is a part of what has already been spent. This does not relate to 1936-37 budget, but it relates to 1935-36, and moneys great deal in excess of this amount have been advanced to district boards and they are debited under this head: that is a subject matter of adjustment later on. Let not the members go away with the impression that this amount of Rs. 1,40,000 is the only amount spent during the year for famine relief; this is only an additional sum which we are asking.

The motion that the demand of Rs. 1,40,000 under the head "43—Famine Relief" be reduced by Rs. 100 was put and lost.

The demand that a sum of Rs. 1,40,000 be granted for expenditure under the head "43—Famine Relief" during 1935-36 was then put and agreed to.

Loans and Advances.

The Hon'ble Sir JOHN WOODHEAD: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 3,10,000 be granted under the head "Loans and Advances by Provincial Governments—Class I—Loans under Land Improvement and Agriculturists' Loans Act" during the current financial year.

The demand was put and agreed to.

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS

GOVERNMENT BILL.

The Bengal Non-Agricultural Lands Assessment Bill, 1936.

The Hon'ble Sir BROJENDRA LAL MITTER: I beg to introduce a Bill to provide for the adequate assessment of land revenue or rent of certain lands not used for agricultural purposes.

(The Secretary then read the title of the Bill.)

The Hon'ble Sir BROJENDRA LAL MITTER: I beg to move that the said Bill be referred to a Select Committee consisting of—

Mr. W. H. Thompson,

Mr. Narendra Kumar Basu,

Mr. S. M. Bose,

Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,
Babu Kishori Mohan Chaudhuri,
Babu Khetter Mohan Ray,
Maulvi Tamizuddin Khan,
Maulvi Abul Quasem,
Babu Premhari Barma,
Rai Bahadur Satyendra Kumar Das,
Mr C. K. Nicholl,
Mr. J. B. Kindersley,
Mr. G. G. Hooper, and
the mover,

with instructions to submit their report as soon as possible, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

I may say at the outset that my intention is not to call a meeting of the Select Committee till the Bill has been circulated for opinion and opinions have been received. Well, this session is expected to be over on Monday and before the next session is held, we shall have the opinion of all parties interested in this legislation and this opinion will be available to the Select Committee; so there is no intention of keeping this matter hanging on. It is necessary that I should explain shortly the aim and scope of the Bill. This Bill is designed to lay down the principle of assessment of fair rent of non-agricultural lands in Government estates and provide machinery in that behalf. Members are aware that the Bengal Tenancy Act does not apply to non-agricultural lands. Therefore, when a record-of-rights is prepared under Chapter X of the Bengal Tenancy Act any non-agricultural land included in an estate has to be left out. Chapter X applies only to agricultural lands, so an estate comprising both agricultural and non-agricultural lands is necessarily incomplete. Under Regulation VII of 1822 there is provision for the assessment of all kinds of land in Government estates, but in that Regulation there is no machinery provided as there is machinery provided in the Bengal Tenancy Act for agricultural lands, nor the principle of assessment of fair rent as laid down in the Bengal Tenancy Act; with regard to agricultural lands there is no corresponding provision regarding the non-agricultural lands in that Regulation: that is, although under the Regulation non-agricultural lands can be assessed, there is no principle laid down anywhere and no machinery provided except that the Collectors and the Revenue authorities have to do it. This is the defect which is sought to be remedied by this measure. This Bill relates only to Government estates and has got nothing to do with private estates. Government estates generally fall under three categories—first, the temporarily-settled

estates, secondly, estates let in farms under the Regulation of 1822, and thirdly, *khas mahals*. It is only when the revision of settlement is due, that is to say, in the case of temporarily-settled estates, when the period of existing settlement expires, that a revision takes place. Similarly, in the case of estates let in farms, as hon'ble members are aware, estates are let in farms for a period of not more than 12 years. Now when this 12 years expires, that is the time for revision, and in *khas mahal* lands, when the existing 12 years expire, that is also the time for revision. It is only when the time for revision comes, that the question arises as to what is to be regarded as fair rent with regard to non-agricultural lands. With regard to agricultural lands, the Bengal Tenancy Act gives the directions and contains all the necessary provision, but with regard to non-agricultural lands, there is no provision anywhere as to what is a fair rent or what are the principles upon which a fair rent is to be assessed. This Bill is really a counterpart of Chapter X of the Bengal Tenancy Act with reference to non-agricultural lands. In short, that is the purpose of the Bill. Hon'ble members may recollect that a similar Bill was introduced in this Council some two years ago, but that Bill lapsed. The only difference between that Bill and the present Bill is that in that Bill, the principle of fair rent was applied all along, not merely with reference to revenue payable to Government, but also with reference to rent payable to intermediate holders. This Bill omits all that for the very simple reason that this is a Bill for the purpose of assessing revenue payable to Government in respect of Government lands. It has nothing whatsoever to do with interests other than those of Government—those other interests are to be regulated, as they ought to be regulated, by contracts. So, we have nothing to do with those contracts. We do not want to interfere with those contracts, nor do we allow those contracts to abut into these measures. These are purely revenue measures, and Government are seeking provisions for regulating the revenue payable to Government in respect of Government lands. That is why those other provisions dealing with the rights of *zemindars*, tenure-holders, tenants, etc., have all been omitted from this Bill. That is the scope and purposes of the Bill.

Mr. SARAT KUMAR ROY: Sir, under the Bengal Tenancy Act as it stood before 1928, no record-of-rights could be prepared in respect of non-agricultural lands. The Bengal Tenancy (Amendment) Act of 1928 has removed this defect. But unfortunately it has, at the same time, introduced a new proviso to section 101 (*l*) of this Act which excludes non-agricultural lands from the operation of those sections which relate to the preparation of rent rolls and assessment of fair and equitable rents. So in the settlement of land revenue of estates which comprise non-agricultural lands, Revenue officers cannot fix fair and equitable rents for such lands. The tenants are, therefore, not

bound to pay rents at the fair and equitable rates at which the assets of these estates are assessed by Revenue officers. The result is that while the Government can under Regulation 7 of 1822 fix its revenue on assets so ascertained on the basis of fair and equitable rents, and the *zemindar* who accepts settlement is bound to pay revenue so fixed, he cannot enforce payment of rents from his tenants at such fair and equitable rates. This brings real hardship to him. So, Sir, we have all along been expecting that our benign Government would come forward with a solution of this problem.

Sir, when the Hon'ble Revenue Member, late Sir P. C. Mitter, introduced a Bill on this subject some two years ago, this aspect, I presume, was fully considered by him and the landlords' difficulty was well appreciated. Provision was accordingly made in that Bill for empowering the Revenue Officers to fix fair and equitable rents of all non-agricultural lands lying within an estate the revenue of which was being settled. But for reasons which are not very clear to me, this Bill has been dropped. A Bill has just been introduced in its stead, embodying an altogether different policy.

Sir, clause (7) of this Bill provides that the assessment of fair and equitable rents of non-agricultural lands made under this Act by the Revenue officers would not be binding on the tenants of private estates held by proprietors. So it appears that in cases where the proprietors of such estates cannot eject their tenants and thereby compel the latter to pay rents at the fair and equitable rates assessed by the Revenue officers, they will necessarily have to relinquish the possession of their estates in favour of the Government. The reason for so providing in the clause, I am told, is that the Government does not deem it expedient to disturb the contractual relation between the proprietors of these estates and their tenants. Neither does it consider it equitable. But I am sorry, I cannot fully agree with this view of the Government.

Sir, in the first place, I would place before you an analogous law: I mean the present section 191 of the Bengal Tenancy Act. Under this section, contracts entered into by and between the proprietors of estates not subject to any subsisting permanent settlement and their tenants, fixing the rents at particular rates, are not binding on the Government; the Revenue officer is authorised, under such circumstances, to ignore these contracts and he can fix the rents of under-tenants at fair and equitable rates, either on his own motion or on the application of the landlord or his tenant. Here, Sir, the Revenue officer is clearly empowered to ignore the sanctity of contractual relations between the parties. And, Sir, I submit this was done only upon consideration of the fiscal policy of the Government. I fail to understand why the same policy and the same consideration should not be adopted here or prevail in the settlement of rents of non-agricultural lands.

Sir, I presume that this change of policy is due to the fact that the incidents of tenancy in respect of non-agricultural lands are governed by the Transfer of Property Act and that the policy underlying this latter legislation or the juristic principles adopted therein cannot be disturbed.

But, Sir, I may be permitted to say, that this view is erroneous. I would just draw the attention of the Hon'ble Member to this, that the framers of this Act had before them three cardinal juristic principles one of which was, that "interference with contracts fairly made and usages long established was *primâ facie* undesirable." I would draw the particular attention of the Hon'ble Member to the phrase, "contracts fairly made." The Law Commissioners of 1879 thought undesirable to disturb only those contractual relations which were fairly entered into by the parties. And I submit that they had never advocated any contrary principle. Let us examine how far the contracts fixing rents of such non-agricultural lands in perpetuity or those giving them permanent interest in such lands can be said to be fair contracts.

These lands are generally accretions to adjoining estates gained by the alluvion of navigable rivers. Such accretions when imperceptibly formed are generally regarded by the proprietors of those estates as part of their permanently-settled estates. Naturally, therefore, they do not hesitate in permanently fixing their rents or giving permanent interest therein to their tenants. Evidently, the contracts are based upon a mistake of facts. And this mistake arose because the periodical surveys provided for the purpose in the Diara Acts were not undertaken timely. So, Sir, I submit, that the proprietors ought not to be blamed for their mistake and they should not be made to suffer for such mistake on their part. At any rate, I submit, no sacredness ought to be attached to these contracts. And, Sir, it would be very inequitable if the proprietors are forced to relinquish their property to which they were legitimately entitled, simply because they had proceeded upon a mistake of fact as to the real situation of the lands. And I may add, that even the framers of the Transfer of Property Act would hardly have hesitated in interfering with such contracts if there had been any occasion for it. I submit that in all fairness to the *zemindars*, the Revenue officer should be authorised by this Act not only to fix the fair and equitable rents of non-agricultural lands but also to finally publish the record-of-rights which would embody the fair and equitable rents assessed by the Revenue officer.

Sir, it is not, I admit, the proper time to discuss the provisions of this Bill in detail now, and I simply give you my idea as to the policy and principle which should govern the provisions of this Bill, and I hope that the Select Committee, to which this Bill is going to be referred, will kindly keep these principles in view while revising the

draft Bill. I trust that they will not hesitate in incorporating in the Bill equitable principles so as to do justice to all the parties concerned.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, I rise to oppose the motion moved by my friend, the Hon'ble Sir Brojendra Lal Mitter. This Bill is intended to harm one particular class of people, I mean those who hold leases for tea-gardens in Government *khas mahal* lands.

Mr. NARENDRA KUMAR BASU: Are tea-gardens non-agricultural lands?

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Under the provisions of the lease, tea-garden proprietors had from Government lands for establishing markets in tea-garden areas without payment of additional rents for them. Quite recently, when the last settlement was made, a provision was cleverly introduced saying that even if a new *hât* is established within the garden, it will be assessed in future. I refused to sign a lease like that, and the then Deputy Commissioner, who is now the Member in charge of the Board of Revenue, told me that that applied only to the bazar that was going to be established, and which was a new bazar. Now I find my friend Sir B. L. Mitter coming up with a proposition that he must find a way to assess (and at what rate that assessment is to be made) if any land is used for non-agricultural purposes. I do not know whether this is the intention of Sir B. L. Mitter to attack us or simply to use the first part of the scope of this Bill which will be confined to a few streets of Calcutta, although the Bill says it extends to the whole of Bengal and a certain part of Calcutta. When I saw this I was under the impression that it would be applicable only in Calcutta, but now I find from his speech that Sir B. L. Mitter intends it to apply it to the whole of Bengal, especially to the *khas mahal* estates.

The Hon'ble Sir BROJENDRA LAL MITTER: Particularly Calcutta.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: So I strongly oppose this Bill on the ground that it encroaches upon our right of holding bazars in the area of our tea-garden as before. We took the land as a special grant, and we have been holding these bazars for upwards of 50 years. Now to be told that that part of the grant which we used for non-agricultural purposes should be assessed in addition to the previous assessment is, I believe, a breach of faith and a confiscation of our rights. Those who are affected by this Bill will feel that the rights and privileges which they enjoyed for upwards

of 50 years are being taken away because they have got a hostile Government, a Government which have got full power to do anything they like. I do not know if my friends who represent the tea industry in this House will agree with me or not, but I personally think that under this Bill Government will assess lands which were not assessed before. If that is not the intention of Government, the Hon'ble Member can say so, and I shall be only too glad to withdraw my objection. With these few words, I oppose the reference of the Bill to the Select Committee.

Rai Bahadur SATYA KINKAR SAHANA: I rise to say a few words in regard to this Bill. Obviously this Bill seems to be meeting half-way those politicians who are always clamouring for the doing away of the permanent settlement. It seems to be a placating move on the part of Government. I do not say that they have a soft corner for them, but it is a placating move no doubt. I have got very little to do with it, but what I am concerned with is that if the rent of dwelling lands—non-agricultural lands—be increased in the country, unhealthiness and insanitation of the province will increase hundredfold. It is my experience that because the people in the rural areas are poor, they cannot pay their rents regularly. It is known to every one in the province that the rent for non-agricultural land, that is dwelling land or *bustee* land, is higher than that for paddy fields or even the *rabi* fields. Therefore, the people in the rural areas live huddled together, their grandfathers erected a hut on a plot of land measuring 10 *cottahs* and the grandsons who are now divided into five families live on that 10 *cottahs* of land with their cattle, goat and sheep and everything and convert that place into a veritable pandemonium.

The Hon'ble Sir BROJENDRA LAL MITTER: May I just interrupt my friend for a moment. In clause 2 (*5*) it is specifically mentioned that non-agricultural land does not include homestead.

Rai Bahadur SATYA KINKAR SAHANA: Then I have nothing to say.

Mr. J. B. KINDERSLEY: I should like first of all to deal with the points raised by Nawab Musharruf Hosain. Under Regulation VII of 1822 which is the temporary settlement regulation, it is specifically laid down that a Revenue officer's duty should be chiefly directed not to a general or extensive enhancement of the *jama*, but to the equalisation of the public burden. The object of this Bill is an attempt to equalise this public burden. Under the Tenancy Act, as Nawab Musharruf Hosain knows, we are able to fix fair and equitable rents for every class of agricultural tenant in order to fix and determine the Government revenue. The reason why we are able to fix the rent of every class of tenant is that it was considered necessary to introduce

legislation for the protection of those tenants against possible rapacious landlords under Regulation I of 1793 by which the Governor General reserved to himself particularly that right. The agriculturist was considered to be incapable of ensuring for himself a fair contract, and it is for that reason that by Chapter X of the Bengal Tenancy Act we are empowered to determine exactly what rent should be payable by every grade of tenant. When it comes to non-agricultural land, that is town land, the matter is on a different footing. The majority of the people who live in towns are sufficiently educated not to enter into a contract which would be unsuitable or unfair to themselves. The possibility of having a rent imposed upon them that was unfair does not arise to the same extent. And it is for that reason that in the past this Council has protested against the use of Chapter X of the Bengal Tenancy Act for the purpose of settling of rent on land used or held by non-agriculturists in non-agricultural areas. It has been found in Government estates, in towns, where the town has sprung up since the original settlement was made, that lands which were leased out originally to agricultural tenants by Government have been converted into very valuable town lands. Those lands being in origin parts of agricultural tenancies are practically governed by the Tenancy Act, but by the wording of the Tenancy Act as it is now for those lands which are used for non-agricultural purposes in any particular part of that holding we cannot fix a rent for the tenant which is binding. We can determine the revenue payable to Government, but we cannot fix the rent which is binding and when Government is itself the proprietor, that is in a *khas mahal* as opposed to temporarily-settled estate, once more this rent which is payable by a man who holds it originally as an agriculturist but now uses it for non-agricultural purpose, we cannot fix a rent in respect of the land which is binding upon him and the Collector has to fight to get a contract executed and it may take years. The alternative is ejectment. Government does not desire to eject. The Nawab Sahib said that Government has included in the lease of tea-gardens a very clever clause. The Nawab Sahib, I am afraid, has not read his tea-garden lease. If he reads it he will find that the maximum rent that he may be called upon to pay for that land is the highest rate paid for agricultural lands in the neighbourhood. It is governed by special leases granted under special rules. His apprehension that the small bazars that lie in each garden are going to be assessed in some peculiar way is, I think, unfounded. I quite realise his apprehension if converted, that small bazar which is held for the benefit of the tea-garden population into a township with cinemas and race courses and things of that kind, but the bazars in the tea-gardens are daily *hâts* rather than shopping centres. This Act would not apply to such *hâts* and bazars. If they are converted into large shopping centres with shops like Whiteaway, Laidlaw or something of the kind, the matter will be different because the land will be used contrary to the purpose for which it was leased and Government

will be in a position to take steps to eject the owner of the tea-garden. Tea-garden lands, I might incidentally mention, are horticultural and, therefore, come under the Tenancy Act.

Mr. Sarat Kumar Roy raised a point that the landlords will be in difficulty because they will not be able to realise from the tenants a rent commensurate with the revenue which Government will be able to demand. As members of this House probably know under Regulation VII of 1822 settlement has to be offered to the proprietor of a temporarily-settled estate. That offer is made on the revenue calculated on the basis of assets of the estate. The total assets we may take it as a thousand the maximum revenue demanded by Government is Rs. 700 and frequently it is a great deal less. Mr. Sarat Kumar Roy suggests that he may be unable to eject his tenants. May I call his attention to clause 2(*5*) which defines non-agricultural lands? It says that such land is non-agricultural in regard to this Bill, irrespective of whether such land or any part thereof was originally leased for agricultural or horticultural purposes or not. If this Bill is made into a law, the tenant is no longer able to claim that you cannot eject him from this particular plot because it is a part of an agricultural holding, as the land ceases to be part of an agricultural holding and he becomes a tenant under the Transfer of Property Act. If his term of settlement has come to an end, he has no right to continue in occupation of that particular plot of land unless and until he enters into a new contract with his landlord. It is our information that in such a case the landlord will be able to force his tenant to come to a proper agreement at a rent commensurable with the real value of the land. There is one other point raised by Mr. Sarat Kumar Roy and that is the question of alluvial accretions to permanently-settled estates. It is true that some of the lands that will be affected by this Bill are lands which have been or will be added by the dereliction of the river to permanently-settled estates. A man knows quite well whether that is happening to his estate or not. It is impossible for anybody not to be able to appreciate the fact that his house, which stood 10 yards from the river bank, 20 years later stood 100 yards from the bank. To tell me that he did not know that, is to tell me that he did know that something which I decline to believe. The landlord must learn that there has been an accretion to his land. He is able to obtain from the Collectorate, if he has not got it, a copy of the revenue survey map which under the clauses of Act IX of 1847 forms the basis for resumption of alluvial land, and if he examines for himself the map he is able to find out whether there has been an accretion. If he still says he does not know whether there has been an accretion to his estate which was permanently settled, he creates for his heirs a *damnosa hereditas.* He merely settled at a rent far too low to please Government: in other words, the general public and the tax-payer. It would be unfair to the general tax-payer to accept a revenue from him at

such a low rate, which I may describe a pepper-corn rent. Some people may suffer for their own foolishness, but I cannot agree that they should be excused while I venture to suggest that it is not a sound argument that Government should excuse a man for being a fool.

Maulvi NURAL ABSAR CHOUDHURY: I beg to move that after the name of Mr. G. G. Hooper the following name be inserted, namely:—

Haji Badi Ahmed Chowdhury.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I oppose this motion. I may say that in regard to these motions for adding names to the Select Committee it is not a wholesome practice. When the personnel of a Select Committee is settled, all parties are consulted and every endeavour is made to have all interests represented there. Once we have done it and then if one has to agree to an addition, I do not know where we stop. It is a fairly big committee of 14 members and every possible interest is represented here. I oppose the motion.

The amendment was then put and lost.

The motion that "the Bengal Non-Agricultural Lands Assessment Bill, 1936, be referred to a Select Committee consisting of—

Mr. W. H. Thompson,
Mr. Narendra Kumar Basu,
Mr. S. M. Bose,
Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,
Babu Kishori Mohan Chaudhuri,
Babu Khetter Mohan Ray,
Maulvi Tamizuddin Khan,
Maulvi Abul Quasem,
Babu Premhari Barma,
Rai Bahadur Satyendra Kumar Das,
Mr. C. K. Nicholl,
Mr. J. B. Kindersley,
Mr. G. G. Hooper, and
the mover,

with instructions to submit their report as soon as possible, and that the number of members whose presence shall be necessary to constitute a quorum shall be five" was then put and agreed to.

Adjournment.

The Council was then adjourned till 3 p.m. on Monday, the 30th March, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 30th March, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh), in the Chair, the three Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 85 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Inconvenience of the pedestrians at the southern footpath of the Howrah Bridge on the Howrah Side.

*91. **Dr. AMULYA RATAN GHOSE:** (*a*) Is the Hon'ble Member in charge of the Marine Department aware—

(*i*) that the Port Commissioners have constructed blocks of houses on the western side of the Hooghly river just on the southern footpath of the Howrah bridge on the Howrah side;

(*ii*) that these are let out to shopkeepers;

(*iii*) that these shopkeepers in exposing their articles for sale encroach on the footpath and thereby cause inconvenience to the pedestrians who have to hurry to catch their trains at Howrah station;

(*iv*) that passengers using the trams and buses are also inconvenienced by the crowded state of these footpaths;

(*v*) that at the time of solar and lunar eclipses and other festivals, the public are greatly inconvenienced by the crowds on the footpaths opposite these shops; and

(*vi*) that accidents often occur to the pedestrians by lorries, motor cars and buffalo-carts which sometimes go astray on the footpaths?

(*b*) Are the Government considering the desirability of—

(*i*) removing these houses;

(*ii*) of making the footpath as wide as possible in the present state; and

(*iii*) removing these stall-keepers who encroach upon the footpaths?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) (*i*) (*ii*) The Port Commissioners have not erected any buildings. The buildings have been erected by the person to whom the land has been leased.

(*iii*) to (*v*) Pedestrian traffic is heavy at the place in question.

(*vi*) No.

(*b*) (*i*) to (*iii*) The District Officer of Howrah has been asked to examine what steps, if any, can be taken to relieve congestion at the place in question.

Maulvi SYED MAJID BAKSH: In respect of answer (*a*) (*i*) and (*ii*), was it not mentioned in the contract that the lease of the land was a building contract and buildings may be erected on it?

The Hon'ble Sir JOHN WOODHEAD: I presume that the lease was for the erection of buildings.

Maulvi SYED MAJID BAKSH: With reference to answer (*a*)(*vi*), what is the source of his information that there has been no accident at this place?

The Hon'ble Sir JOHN WOODHEAD: The District Magistrate's report.

Scholarships for backward classes.

*92. **Babu KSHETRA NATH SINGHA:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state on what principle the areas for the distribution of scholarships to the backward classes for Final Primary (Maktab) are selected?

(*b*) Is it a fact that some districts have altogether been left out?

(*c*) Are the Government considering the desirability of taking into consideration the relative population of the backward classes in the selection of such areas and of distributing the scholarships district by district?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) Primary (Maktabs) Final Scholarships reserved for the backward classes are distributed among all the candidates in the division having regard to local needs, except in the Dacca and Chittagong Divisions where the Inspectors of Schools distribute the scholarships according to districts for administrative reasons.

(*b*) Yes, occasionally on account of the reasons stated above.

(*c*) No. The divisional unit is generally speaking the best unit for distribution. The distribution of scholarships on any other basis is likely to concentrate the award of such scholarships in places where there is a large backward class population. Areas with a small backward class population will suffer.

Rai Bahadur SARAT CHANDRA BAL: Will the Hon'ble Minister be pleased to state the total amount spent on scholarships to students of the backward classes?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It is very difficult for me to say that offhand.

Babu KSHETRA NATH SINCHA: With reference to answer (*b*), am I to understand that scholarships to backward class students were distributed according to districts everywhere except in the Rajshahi Division?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: As I have explained in the answer to (*a*), the divisional unit is generally speaking the best administrative unit, but where cases have been made out for district allotments, we have gone to the length of permitting such allotments being made. Although the award of scholarships according to districts where the population of the backward classes is less will be an incentive to the people of those districts, it is desirable that this distribution should be made on the basis of the entire population of those classes taken together, and this cannot be taken exception to, so long as the total number of such scholarships is fixed.

Maulvi SYED MAJID BAKSH: Are we to understand that Muslims are also included amongst the backward classes?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I am sure that my friend knows perfectly well that the Muslims do not belong to the backward classes, but my friend is probably inquisitive on this point simply because the word "maktab" is there. I may inform him that there are maktabs and madrassas where Hindu students are also admitted.

Congress workers at Bonkhuri in Manikganj.

*93. **Dr. NARESH CHANDRA SEN GUPTA:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether he is aware that some Congress workers of Dacca are carrying on village reconstruction work at Bonkhuri in the Manikganj subdivision of the Dacca district, and that they started a free primary school and *khadi* centre there on a plot of land taken on a year's lease on which they have constructed their own houses?

(*b*) Is it a fact that the Subdivisional Officer of Manikganj and his subordinates under his orders have been making efforts to break up the centre—

(*i*) by organising a propaganda through *chaukidars* and *dafadars* to dissuade guardians from sending children to the school; and

(*ii*) by directing the *naib* of the landlords to serve a notice on the Congress workers to pull down their houses within 7 days in which notice it was stated that the Subdivisional Officer had ordered him that "Swadeshi Sevak Volunteers" must not be allowed to stay there?

(*c*) Is it a fact that the Congress workers at Bonkhuri are engaged purely in village reconstruction work, and have not carried on any seditious or subversive propaganda?

(*d*) Is it a fact that the Subdivisional Officer, presiding at a public meeting in support of village improvement said that on the pretext of doing service to the people and running national schools these Congress workers were ruining the villagers and he asked them not to buy *khaddar* or send their children to the said school?

(*e*) If the answers to the above questions are in the affirmative, are the activities of the Subdivisional Officer supported by the Government?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) Some youths from other districts have come to Bonkhuri, apparently for the purpose referred to. Some boys are being taught free and are being used as messengers to distribute Congress leaflets, while a certain amount of cloth is being hawked.

(*b*) (*i*) No.

(*ii*) The Subdivisional Officer did not direct any one to serve any notice on those persons nor has he seen any notice of the kind mentioned.

(*c*) There is no evidence that they are carrying on seditious or subversive propaganda.

(*d*) The Subdivisional Officer used words to the effect referred to, though he did not ask the villagers not to buy *khaddar*.

(e) Government would certainly not approve of any discouragement being given to rural reconstruction work which is carried on in good faith. But in this case the Subdivisional Officer considered that such work was merely cover for political propaganda.

Dr. NARESH CHANDRA SEN GUPTA: With reference to answer (a), viz., that they are being used as messengers to distribute Congress leaflets, will the Hon'ble Member be pleased to state what kind of Congress leaflets were distributed or whether any objectionable Congress leaflets were distributed?

The Hon'ble Sir ROBERT REID: I have no idea.

Dr. NARESH CHANDRA SEN GUPTA: Having regard to answer in (c) that "there is no evidence that they are carrying on seditious or subversive propaganda," what ground had the Subdivisional Officer to consider, as stated in answer (e), that "such work was merely cover for political propaganda?

The Hon'ble Sir ROBERT REID: The point is that it was not genuine rural reconstruction work.

Dr. NARESH CHANDRA SEN GUPTA: Is there any evidence that it was anything else?

The Hon'ble Sir ROBERT REID: The answer is there in my reply to the question which I have already given.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state what, according to the Government, is meant by rural reconstruction and whether rural reconstruction is also a form of political propaganda?

Mr. PRESIDENT: That question does not arise.

Congress jubilee celebration at Manikganj.

***94. Dr. NARESH CHANDRA SEN GUPTA:** (a) Will the Hon'ble Member in charge of the Political Department be pleased to state whether the Government are aware that on the 24th December, 1935, the Subdivisional Officer of Manikganj issued a notice to the Head Masters of local high schools asking them to see that no student of their schools took part in Congress jubilee celebrations, to warn the guardians of students that any ward reading in their schools, found taking part in this celebration, would be liable to expulsion from the schools?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to place a copy of the notice before the House?

(*c*) Will the Hon'ble Member be pleased to state whether it is a fact—

(*i*) that the authorities of the Manikganj subdivision in the district of Dacca carried on active propaganda among the villagers of Bonkhuri—dissuading them from taking part in the Congress golden jubilee celebration; and

(*ii*) that the police forcibly pulled down the triumphal arch built in connection with Congress jubilee celebration, snatched away the Congress flag, broke the flag staff, and assaulted a young man named Matilal Das?

(*d*) If the answer to the above question be in the affirmative, will the Hon'ble Member be pleased to inform the House whether these things were done with the knowledge and the sanction of the Government? If not, what steps do the Government contemplate taking in the matter?

The Hon'ble Sir ROBERT REID: (*a*) Yes.

(*b*) A copy is placed on the Library table.

(*c*) (*i*) No.

(*ii*) No, the facts are that those in charge of the celebration endeavoured to increase the attendance by dragging in persons standing by. An unwilling victim resisted and in the struggle which ensued some damage was done. The timely intervention of the police put an end to the disturbance.

(*d*) The Subdivisional Officer's circular was not issued with either the knowledge or the sanction of Government and suitable notice is being taken of his action.

Dr. NARESH CHANDRA SEN GUPTA: With regard to answer (*c*)(*ii*), is it not a fact that a flag staff was broken down?

The Hon'ble Sir ROBERT REID: I believe it was; that is where the damage was done.

Dr. NARESH CHANDRA SEN GUPTA: Is it not also a fact that flags were taken away and a flag staff was broken?

The Hon'ble Sir ROBERT REID: I am not aware of any flags being taken away; but a broken flag was included in the damage that was done.

Ferries in the districts of Malda, Murshidabad and Rajshahi.

*85. **Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing—

(*a*) the names of the ferries under the district boards, local boards, and municipalities in the districts of Rajshahi, Murshidabad and Malda;

(*b*) the year in which these were placed under the control of these local bodies and the number of the notifications by which these ferries were so transferred by the Government;

(*c*) the year in which these ferries were resumed by the Government and the notification under which they were so resumed; and

(*d*) the names of the lessees of these ferries for the years 1935-36 and the rent at which these were let out by the respective bodies concerned?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*), (*b*), (*c*) and (*d*) Statements furnishing the information as far as possible are laid on the Library table.

Appointment to the posts of supervisors, skilled operatives, etc., in the Industries Department.

*86. **Maulvi MUHAMMAD FAZLULLAH:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what are the standard of qualifications, technical and educational, prescribed and procedure followed at the time of selection of candidates for training and appointment as—

(*i*) supervisors;

(*ii*) skilled operatives;

(*iii*) workmen;

(*iv*) fitters;

(*v*) mistries; and

(*vi*) boy assistants?

(*b*) Will the Hon'ble Minister be pleased to say whether vacancies are advertised?

(*c*) If the answer to (*b*) be in the affirmative, will the Hon'ble Minister be pleased to state the dates and the agencies through which those advertisements were made? If not, why not?

(*d*) Is the Hon'ble Minister aware that several appointments have been given to raw hands, without any advertisement, giving less than a month's training?

(*e*) Is it also a fact that in many cases appointments have been made before training? If so, when and why?

(*f*) Is it a fact that applications of candidates, who received full course of trainng under the department (Laboratory at Pagladanga) are receiving no consideration?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Sir Mohiuddin Faroqui, of Ratanpur): (*a*) There are no such posts as fitters and mistries. A statement furnishing the information asked for in respect of the remaining posts is laid on the Library table.

(*b*) and (*c*) While vacancies are generally filled by promotion and by men selected from the registered list of trained candidates maintained in the department, they are also filled on advertisement whenever considered necessary through the agency of the Press Officer to Government.

(*d*), (*e*) and (*f*) No.

Khas mahal grant to Chittagong General Hospital.

***97. Mr. J. W. R. STEVEN:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) whether it is a fact that *khas mahal* grant to the Chittagong General Hospital is Rs: 2,500 per annum;

(*ii*) when was the amount of this contribution fixed; and

(*iii*) what has been the increase in the annual *khas mahal* revenue of the Chittagong district alone since that date?

(*b*) Is the Hon'ble Member aware that the *khas mahal* revenue in the Noakhali and Tippera districts has greatly increased since the period that the *khas mahal* grant to the Chittagong General Hospital had been fixed?

(*c*) Are the Government considering the desirability of increasing the said grant?

(*d*) If the answer to (*c*) is in the affirmative, by what amount is it proposed to be increased?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) (*i*) Out of the total contribution for medical purposes made to various hospitals and dispensaries from the income of Government estates, a sum of Rs. 2,500 is granted to the Chittagong Hospital.

An additional grant of Rs. 600 was made from the Medical Budget to permit the entertainment of a European nurse.

(*ii*) In 1908.

(*iii*) About 3 lakhs of rupees.

(*b*) Yes.

(*c*) No.

(*d*) Does not arise.

Haji BADI AHMED CHOWDHURY: Is it not a fact that the grant of Rs. 2,500 has remained the same since 1908, in spite of the fact that the revenue has more than doubled itself? And if that is so, why is it that the grant has not been increased?

The Hon'ble Sir BROJENDRA LAL MITTER: Besides Chittagong Hospital, grants are made to six other hospitals in that district.

Haji BADI AHMED CHOWDHURY: In view of the fact that the hospital grants of the district board and of the municipality have been increased considerably, why have not Government considered the question of increasing their grant up till now?

The Hon'ble Sir BROJENDRA LAL MITTER. No occasion has arisen. If there were urgent need anywhere, representations should be made to Government, and Government would certainly consider them, and if funds permit they would make increased grant.

Haji BADI AHMED CHOWDHURY: In view of the fact that subscriptions have been raised for the additional accommodation provided and also in view of the fact that Her Excellency Lady Willingdon and His Excellency the Governor of Bengal graced the hospital with their presence on the occasion of its opening ceremony, will not Government consider the question of increasing their grant to enable the hospital to meet the additional expenditure to be incurred?

The Hon'ble Sir BROJENDRA LAL MITTER: The fact stated by the hon'ble member shows that this hospital is certainly not being neglected.

Old Brahmaputra river.

*98. **Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware—

(*i*) that up to a few years back the old bed of the Brahmaputra river which passes through the district of Mymensingh used to be fed by a stream issuing from the Garo Hills, and locally called Jinjiram, and falling into the old Brahmaputra at Dewanganj in the subdivision of Jamalpur;

(*ii*) that owing to the blocking of the said Jinjiram at some points the water of the said Garo Hills are being diverted into the river Jamuna thus causing or helping to cause a complete deterioration and decay of the river Brahmaputra in Mymensingh; and

(*iii*) that the said old Brahmaputra is the main drain and channel of communication serving the major portion of the district of Mymensingh?

(*b*) Is it a fact that the Superintending Engineer, Mr. S. N. Banerjee, investigated into the reasons of the drying up of the said river Jinjiram and reported to the Government for opening up of the said Jinjiram river to restore the flow of the river Brahmaputra?

(*c*) If the answer to either (*a*) or (*b*) is in the affirmative, will the Hon'ble Member be pleased to state what steps the Government have taken or are contemplating to take to remedy the state of things created by the blocking of the said stream Jinjiram?

(*d*) Are the Government considering the desirability of laying on the table a copy of the report of the Superintending Engineer?

(*e*) Will the Hon'ble Member be further pleased to state why a question of which notice was given in the last session of the Bengal Legislative Council in connection with the above has not been answered yet?

Mr. H. S. E. STEVENS: (*a*) (*i*) to (*iii*) and (*b*) to (*d*) The member is referred to the replies given to his questions on the same subject on the 20th December, 1935.

(*e*) Does not arise.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Secretary, Irrigation Department, be pleased to state if any action has been taken since December, 1935, for actually carrying into effect the suggestions of the late Chief Engineer, Rai Bahadur S. N. Banerji?

Mr. H. S. E. STEVENS: The suggestion made by Rai Bahadur S. N. Banerji was considered by the Chief Engineer, Irrigation Department, to be impracticable and therefore no action has been taken on it.

Jurisdiction of munsifs in Mymensingh.

*89. **Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware of the memorandum Nos. 7904-7920 issued by the District Judge of Mymensingh to all *Munsif's* Courts in Mymensingh, regarding the institution of money suits triable under the Small Causes Court procedure from the 2nd January, 1936?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether he is also aware—

(*i*) that the order contained in the above memorandum has resulted in the withdrawal of the powers and jurisdiction of the *munsifs* outside Sadar subdivision to entertain suits for money claims above the value of Rs. 350 and up to Rs. 750 and in some cases even above Rs. 100;

(*ii*) that the litigants in the vast district of Mymensingh with 6,200 square miles area have to suffer hardship and expense in going to the district headquarters to file or contest those suits in the Courts of the Sub-Judges; and

(*iii*) that the very declared object and reasons of the Bengal and Assam Civil Courts (Amendment) Act, 1935, namely, to make justice available at cheap cost and near at hand, have been defeated and particularly in Mymensingh by the withdrawal of jurisdiction from the *munsifs*?

(*c*) In how many and what districts of Bengal has such withdrawal of powers and jurisdiction from the *mufassal* courts, been effected and on what principle was the selection of the districts made?

(*d*) For what particular reason has the district of Mymensingh been selected for the experiment?

(*e*) Have the Government and the High Court received representations from the *mufassal* Bar Associations protesting against the said arrangement?

(*f*) Are the Government considering the desirability of—

(*i*) taking steps to restore the previous practice and arrangement in the district of Mymensingh investing the *munsifs* to try as money suits all suits above their Small Cause Court powers; or

(*ii*) amending the Bengal, Agra and Assam Civil Courts Act so as to raise the jurisdiction of the *munsifs* for general convenience and to make justice less expensive?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) Yes.

(*b*) (*i*) Yes, so far as suits triable under the Provincial Small Cause Court Act are concerned.

(*ii*) It is hoped that any trouble and expense involved will be more than compensated by the more expeditious Small Cause Court procedure.

(*iii*) No.

(*c*) and (*d*) Subordinate Judges in the following districts exercise Small Cause Court powers up to Rs. 750 in the areas specified in Notification No. 24331 A., dated the 19th December, 1935 (published in the *Calcutta Gazette*):—

Burdwan.	Mymensingh.
Hooghly.	Nadia.
Howrah.	Rangpur.
Jessore.	Dinajpur.

The amended Act was brought into operation in the districts specified after consultation with District Judges.

(*e*) High Court received representations from Bar Association of certain districts, but Government did not. The representations were carefully considered by the High Court and no present action was considered necessary.

(*f*) (*i*) and (*ii*) No.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state if Government will consider any representations that litigants may submit to the Government?

The Hon'ble Sir BROJENDRA LAL MITTER: Yes, certainly.

Dr. NARESH CHANDRA SEN GUPTA: Has the Hon'ble Member got any idea of the nature of the inaccessibility of the district town of Mymensingh from distant areas?

The Hon'ble Sir BROJENDRA LAL MITTER: Not very accurate and definite, but I have some idea.

Dr. NARESH CHANDRA SEN GUPTA: Is the Hon'ble Member aware that from some places it takes about 12 hours to reach the headquarters town of Mymensingh?

The Hon'ble Sir BROJENDRA LAL MITTER: It may be so, but I am not aware that any of these cases come from those places.

Dr. NARESH CHANDRA SEN GUPTA: Is the Hon'ble Member aware that if a man has got to bring a suit to the small cause court of not over Rs. 400, the amount of expenditure that is involved in his going to Mymensingh would practically be more than that amount?

The Hon'ble Sir BROJENDRA LAL MITTER: No, Sir, I am not prepared to accept that statement.

Deputy Director of Sericulture.

***100. Babu JITENDRALAL BANNERJEE:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) whether it is a fact that the post of Deputy Director of Sericulture has not been filled for a year;

(*ii*) whether it is now intended to fill the vacancy by appointing a new hand from the Department of Agriculture;

(*iii*) whether the claims of the officers available in the Department of Sericulture have been duly considered in this connection; and

(*iv*) whether the qualifications and suitability of Miss Cleghorn, Superintendent of Sericulture, have been considered for the post?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: (*i*) No. Pending the appointment of a permanent incumbent officiating arrangement has been made to fill the post.

(*ii*) to (*iv*) Applications were invited from candidates in India for the post and the officers of the Sericulture Department were not debarred from applying for it. The Bengal Selection Board was consulted in respect of all the applications received and its recommendation is at present under consideration.

Detenus in Ramgati and Sandwip police-stations of Noakhali.

***101. Maulvi HASSAN ALI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing for the present time—

(*i*) how many detenus are there in each of the police-stations of Ramgati and Sandwip in the district of Noakhali;

(*ii*) what are the names of the detenus;

(iii) which district do they come from; and

(iv) from which district have they been arrested?

(b) Will the Hon'ble Member be pleased to say whether some of the detenus of Sandwip were convicted in February last?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Member be pleased to state the charges against them?

The Hon'ble Sir ROBERT REID: (a) Government are not prepared to give this information.

(b) and (c) Two were convicted of offences punishable under section 6 (1) of the Bengal Criminal Law Amendment Act, 1930.

Detenu Ananta Kumar Saraswati of Babubari (Dinajpore).

*102. **Babu PREMHARI BARMA:** (a) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(i) whether it is a fact that Babu Ananta Kumar Saraswati, of Babubari, Dinajpore, now a detenu in the Buxa Detention Camp, has been suffering from a serious type of eye disease for the last three or four months;

(ii) whether it is a fact that due to his eye troubles he gets almost daily a severe attack of headache for which he requires frequent morphia injections; and

(iii) whether it is a fact that he has applied to the Government for being removed to the Calcutta Medical College Eye Hospital for better treatment?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Member be pleased to state whether Government are considering the desirability of removing him immediately to the Calcutta Medical College Eye Hospital for better treatment?

The Hon'ble Sir ROBERT REID: (a) (i) and (ii) The detenu has complained of headache and pains in his eyes for some time, but refused to attend hospital as an indoor patient until the beginning of last month. He received three injections during February.

(iii) No.

(b) The detenu will shortly be examined by the Civil Surgeon of Jalpaiguri; on receipt of his report Government will consider what action should be taken.

Berhampore old Detention Camp.

*103. **Mr. P. BANERJI:** (*a*) Is the Hon'ble Member in charge of the Political Department aware that the old Detention Camp at Berhampore is overcrowded owing to the concentration of a large number of detenus?

(*b*) Is it a fact that the privilege of having their recreation both in the morning and the evening in the new Detention Camp (located in the same boundary) so far enjoyed has been withdrawn from the 15th February, 1936?

(*c*) If the reply to (*b*) is in the affirmative, what other arrangements have the Government made for their recreation?

(*d*) Is it a fact that the supply of patent medicines to the detenus has been totally stopped?

The Hon'ble Sir ROBERT REID: (*a*) No.

(*b*) Yes.

(*c*) There is a recreation ground within the old camp.

(*d*) Patent medicines are issued when necessary.

Mr. P. BANERJI: With reference to question (*b*), will the Hon'ble Member be pleased to state why the facilities have been denied to these persons?

The Hon'ble Sir ROBERT REID: The reason is that the detenus were not using the privilege for the purpose for which it was given, that is for the purpose of recreation and exercise.

Retrenched Officers.

*104. **MUNINDRA DEB RAI MAHASAI:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to lay on the table a statement showing—

(*i*) the total number of retrenched officers on the surplus list on the 31st October, 1935;

(*ii*) the total number re-employed up to that date;

(*iii*) the number of vacancies that occurred up to 31st October, 1935, in the respective services or departments to which the retrenched officers belonged; and

(*iv*) how were they filled?

(*b*) Is it a fact that orders were issued by Government for the re-employment of retrenched officers?

(*c*) If the answer to (*b*) is in the affirmative, what steps were taken by the Government to secure compliance with their orders?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) (*i*) The compilation of these figures ceased on the 31st December, 1934. At that date the figures were as follows:—

105 permanent.

175 temporary.

(*ii*) 67.

(*iii*) 279.

(*iv*) 54 retrenched officers, 202 outsiders, 8 district nomination, 9 direct recruitment, 2 temporary officers in the department, 2 nominated by Selection Board, and 2 not filled.

(*b*) Yes, if they were suitable for the vacancies which occurred.

(*c*) Each department maintained a list of retrenched officers who were considered fit for re-employment, which was circulated to other departments through the Appointment Department.

NOTE.—The difference between the figure 67 given in the answer to (*ii*) and the figure 54 in (*iv*) is due to reabsorption in departments other than those which retrenched.

Certificate powers to landlords of Noakhali.

***105. Maulvi MUHAMMAD FAZLULLAH:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) how many estates have been granted powers under section 158(*a*) of the Bengal Tenancy Act in the district of Noakhali;

(*ii*) what are the names of the recipients of such powers;

(*iii*) how many estates have been granted such powers in each district within the Presidency of Bengal;

(*iv*) what are the grounds of granting such powers; and

(*v*) what are the conditions laid down for the landholders?

(*b*) What led the Government to grant such powers at the present moment having regard to the plight of the agriculturists?

(c) Is the Hon'ble Member aware—

(i) that a petition against some landholders for not granting of rent receipts was submitted to the District Magistrate of Noakhali in the years 1933 and 1934 by Aswini Kumar Chakrabarty of Bihirgaon, Fazler Rahman and others of Palpara, police-station Begamganj;

(ii) that the cases in the petition were substantiated by the reports of the Circle Officers of Begamganj; and

(iii) that those landholders also have been given powers under the aforesaid Act?

(d) If the answer to (c) (iii) is in the affirmative, what are the reasons?

(e) Are the Government considering the desirability of withdrawing the aforesaid power already given and of stopping granting such powers in future till the economic condition of the country improves?

The Hon'ble Sir BROJENDRA LAL MITTER: (a) (i) to (iii) A statement is laid on the Library table.

(a) (iv) and (b) Under section 158A(2) of the Bengal Tenancy Act Government have no option but to grant such powers when the terms and conditions specified by them are satisfied.

(a) (v) A copy of the terms and conditions on which the privilege is allowed to landlords is laid on the Library table.

(c) Government have no information.

(d) Does not arise.

(e) No.

Maulvi SYED MAJID BAKSH: With reference to answer (a)(iv) and (b), does the Act contemplate that it is compulsory for Government to grant certificate powers?

The Hon'ble Sir BROJENDRA LAL MITTER: I refer the hon'ble member to section 158(a) of the Bengal Tenancy Act.

Malaria in Jessore.

***106. Maulvi LATAFAT HOSSAIN:** (a) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(i) that malaria is prevalent in acute form in the district of Jessore;

(ii) that there are jungles and water-hyacinth scattered all over the district;

(*iii*) that the Subdivisional Officers of Magura and Jhenida are taking steps for the clearance of jungles and water-hyacinth; and

(*iv*) that no steps in this direction are being taken by the Subdivisional Officer of Narail:

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state the reasons as to (*a*) (*iv*)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) to (*iii*) Yes.

(*iv*) This is not the case.

(*b*) Does not arise.

District Board Chairmanship of Dacca.

*107. **Mr. NARENDRA KUMAR BASU:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the District Board of Dacca enjoys the right to have a non-official Chairman?

(*b*) Who is the present Chairman of that Board?

(*c*) Is it a fact that the elected Chairman continues to act as such even after joining the Government of Bengal?

(*d*) Is that in consonance with the principles governing these elections?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) The Hon'ble Mr. Khwaja Shahabuddin.

(*c*) He continues in the office of the chairman, but he has delegated all his powers as Chairman to the Vice-Chairman during his short absence.

(*d*) In view of the reply to (*c*), his continuance as Chairman does not militate against the principles underlying these elections.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister be pleased to state what has the Dacca District Board done to forfeit the right to have a non-official chairman?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The right continues.

Mr. NARENDRA KUMAR BASU: Then, is it in order for a Member of Government to hold an office under a subordinate local body?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I refer the hon'ble member to the Government of India Act.

Mr. NARENDRA KUMAR BASU: Is it not prohibited by the rules for a member of Government to be a member of any subordinate body under any of the departments of Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not think so.

Mr. NARENDRA KUMAR BASU: Did the Local Self-Government Department call upon the Hon'ble Mr. Khwaja Shahabuddin either to resign his office as Chairman of the Dacca District Board or take leave for the appropriate period for which he has been appointed a Member of Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Mr. NARENDRA KUMAR BASU: Did the Hon'ble Mr. Khwaja Shahabuddin make any such offer to Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Not that I am aware of.

Babu JITENDRALAL BANNERJEE: In view of the fact that there is a provision in the Manual to the Local Self-Government Act for the Chairman to apply for leave, what prevented him from doing so in this case?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is not for me to answer that question.

Murshidabad Municipality.

***108. Mr. NARENDRA KUMAR BASU:** (*a*) With reference to the reply to starred question No. 53 on the 19th August, 1935, will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the deposits of the other gentlemen have yet been refunded?

(*b*) Is it a fact—

(*i*) that the Murshidabad Municipality has not been able to pay their contractors, suppliers of materials and even sweepers and menials; and

(*ii*) that a large sum is outstanding on these accounts?

(*c*) If the answers to (*b*) are in the affirmative, what action does the Hon'ble Minister propose to take in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No; only the deposits of Mr. Sujat Hosain, Sj. Govindo Das Achery and Babu Raj Mohan Sen have since been refunded.

(*b*) (*i*) Contractors and suppliers of materials have not yet been paid in full. Sweepers and menials have been paid up to January, 1936.

(*ii*) The outstanding bills to contractors amount to Rs. 3,684 and sweepers' pay for February to Rs. 750.

(*c*) Government will consider the matter.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister be pleased to state what is the total income of this municipality?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Issue of letters by Subdivisional Officer, Narail, to Presidents of union boards.

***109. Maulvi LATAFAT HOSSAIN:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the present Subdivisional Officer of Narail has recently issued many letters to the several Presidents of the union boards?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) how many such letters have issued;

(*ii*) what are their contents; and

(*iii*) the reasons for their issue?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) (*i*) The information is not readily available.

(*ii*) and (*iii*) They were ordinary communications issued in the normal course of public business.

Improvement in Agriculture.

***110. Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(*i*) that agriculture is the main source of wealth of Bengal;

(*ii*) that it is still moving on the same lines in which it used to move centuries before;

(iii) that the agriculture of the province is much below the line of the innovated and improved agriculture of other civilised countries;

(iv) that the farms are more experimental than anything else;

(v) that these experimental farms are more avoided than imitated by the agriculturists; and

(vi) that no innovations have been introduced to help the province out of the necessity of purchasing fruits and vegetables from places outside the Province?

(b) If the answers to (a) (v) to (vi) are in the negative, will the Hon'ble Minister be pleased to state what efforts have been made to improve the practical agriculture?

(c) If no such efforts have yet been made will the Hon'ble Minister be pleased to state the reasons for such inaction?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur:

(a) (i) and (iii) Yes.

(ii) No.

(iv) The farms are both experimental and demonstration centres.

(v) No. The large number of private farms which have come into existence in recent years proves the contrary.

(vi) There has been a marked increase in the cultivation of vegetables in the province. Fruits which are not in season in Bengal or not suited to the climate are naturally purchased from outside. A horticultural station has been established at Krishnagar where experiments for the improvement of fruit-growing industries are being carried out.

(b) With the limited resources at the disposal of Government every effort is being made to improve practical agriculture as will be evident from the Annual Reports of the Agricultural Department.

(c) The question does not arise.

Mr. NARENDRA KUMAR BASU: With reference to answer in (a)(vi), will the Hon'ble Minister be pleased to state whether the horticultural station at Krishnagar has anything to do with the Government of Bengal or whether it has been established by the Government of Bengal?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: It was established by the Government of Bengal out of the grant received from the Imperial Council of Agricultural Research.

Mr. NARENDRA KUMAR BASU: Is the officer in charge of the horticultural station an official entirely under the control of the Local Government?

The Hon'ble Nawab Sir MOHIUDDIN FARDQUI, of Ratanpur: Yes.

Dr. NARESH CHANDRA SEN GUPTA: With regard to answer (*a*)(*ii*), does the Hon'ble Minister mean to say that agriculture in Bengal is not moving on the same lines along which it used to move centuries before?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I have nothing further to add to what I have already stated. As a matter of fact, no Department of Agriculture existed a century ago.

Rai Bahadur SATYA KINKAR SAHANA: With reference to answer (*a*)(*v*), is the Hon'ble Minister aware that a large number of private farms have been set up in the province, and that instead of being an imitation of Government farms, they are as a matter of fact antagonistic?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: On the contrary, Sir, so far as my information goes, the private farms are run on the advice of our departmental expert officers.

Rai Bahadur SATYA KINKAR SAHANA: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether mangoes and lichis are suited to the soil of Bengal?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Yes, Sir.

Rai Bahadur SATYA KINKAR SAHANA: What steps have been taken by Government to increase the production of these season fruits?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: If the hon'ble member will go to Krishnagar and see with his own eyes the activities of the farm there, he will find that much has been done to improve the quality and increase the production of such fruits.

Rai Bahadur SATYA KINKAR SAHANA: Will the Hon'ble Minister be pleased to state what amount is spent on practical agriculture and what amount on experiments?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I ask for notice.

Dr. NARESH CHANDRA SEN GUPTA: Can the Hon'ble Minister give us an idea of the approximate percentage of the total agricultural population who have been affected by the improvements made in practical agriculture by the department?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I am sorry I cannot answer that offhand; and I ask for notice.

Improvement of cattle.

***111. Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(*i*) that the general condition of the cattle of the province at present has deteriorated;

(*ii*) that the said deterioration has been held to constitute one of the principal causes for the deterioration of agriculture;

(*iii*) that the owners are too poor to bring about an improved condition;

(*iv*) that sometimes the owners are so poor that they have no choice but to keep their cattle ill-fed;

(*v*) that a few stud bulls from the Punjab and other places are not likely to improve the ill-fed and emaciated cattle of the province; and

(*vi*) that the covering of the emaciated cows by big bulls often brings in deterioration rather than improvement of the progenies and do more harm than good to the cows themselves?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, the Government have been contemplating for the improvement of the cattle and their owners?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: (*a*) (*i*) to (*iv*) The member is referred to the answer to part (*a*) of starred question No. 170 asked by Rai Bahadur Satyendra Kumar Das at the meeting of the Council held on the 7th September, 1933; and to the second paragraph of the statement referred to in the reply to his unstarred question No. 62 given at the meeting held on the 27th August, 1935.

(*v*) and (*vi*) The policy of Government to improve the breed of cattle by the introduction of pedigree bulls for breeding purposes has been the result of careful research and experiment. It has been found that the female progeny of Bengal cows mated with imported pedigree bulls recommended by the Agriculture Department not only give cent. per cent. increased milk yield over that of their dams but produce male stock which is far superior to the indigenous bulls.

(*b*) The member is referred to the statement made in reply to his unstarred question No. 62 mentioned above and the comprehensive scheme for the improvement of cattle and of fodder crops inaugurated with the grant from the Government of India for rural uplift, a full description of which was circulated in July, 1935, and the action taken in respect of which up to the end of December, 1935, was explained in a Press communiqué issued on 23rd January, 1936. Matters have been put in train with a view to start work early next financial year. With a view to stimulate the improvement of cattle through selected owners of bulls, a competitive system of awarding money prizes to the owners of the best kept bulls has been introduced in addition to the premia of Rs. 60 per annum given to owners of bulls.

Mr. NARENDRA KUMAR BASU: Does the Government charge any fee for the service of these bulls?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: No, Sir, so far as I am aware.

Mr. NARENDRA KUMAR BASU: How many cows can a bull serve in the course of a year?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: About 80.

Dr. NARESH CHANDRA SEN GUPTA: Is the Hon'ble Minister aware that the Live-Stock Expert reported that no marked improvement in the breed of cattle could be expected unless it was taken up along with the establishment of a dairy farm; and having regard to that opinion, do Government contemplate any steps being taken in that direction?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I cannot answer that question offhand, Sir.

Dr. NARESH CHANDRA SEN GUPTA: Was that not published in the Report of the Department of Agriculture for the year 1933?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: As I have already said, Sir, I cannot say anything offhand.

Rai Bahadur SATYA KINKAR SAHANA: With reference to answer (*v*) and (*vi*), namely, that the cross-bred cows born of pedigree bulls yield cent. per cent. increase in milk, may I know the basis of his information?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: The information is based on the reports of our expert officers.

Rai Bahadur SATYA KINKAR SAHANA: Is the Hon'ble Minister aware that these reports do not always reflect the true state of things?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: That is a matter of opinion, Sir. But in the course of my tours in the interior, I have come to know that the cultivators are eager to have the services of these bulls, and that I have had reports which corroborate the statements made by our expert officers.

Maulvi SYED MAJID BAKSH: Is it not a fact that many indigenous cows as a result of the service of the pedigree bulls die at the time of calving?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I am not aware of that, and I do not know from where my hon'ble friend has got that information.

Disease Jhinjhinia.

*112. **Dr. AMULYA RATAN GHOSE:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware of a new type of disease commonly called *Jhinjhinia* occurring in Calcutta and various other parts of the province?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any enquiries have been made with regard to the—

(*i*) causes,

(*ii*) pathology,

(*iii*) diagnosis, and

(*iv*) treatment of the disease?

(c) If enquiries have already been made as at (b) above, will the Hon'ble Minister be pleased to make a statement?

(d) Have any deaths occurred due to *Jhinjhinia*?

(e) If the answers to (d) are in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing:—

(i) how many deaths up to this time have taken place;

(ii) where the deaths have taken place either in the hospital or in private houses;

(iii) whether any autopsies were made;

(iv) if so, the results recorded;

(v) whether the deceased persons were males or females, Bengali or otherwise; and

(vi) whether any, and if so, what treatment was meted out to them?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) Yes.

(b) and (c) The member is referred to a Press Note, dated the 11th January, 1936, a copy of which is placed on the Library table.

(d) No death is reported to have occurred from the "disease".

(e) Does not arise.

Dr. AMULYA RATAN GHOSE: With reference to answer (b) and (c), the Press Note referred to therein could not be found on the library table, although I made a careful search. Will the Hon'ble Minister therefore be pleased to answer the question on the floor of this House?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: A copy of the Press Note will be supplied.

Professor P. C. Mahalanobis of Presidency College, Calcutta.

***113. Rai Bahadur SATYA KINKAR SAHANA:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(i) whether Professor P. C. Mahalanobis of the Indian Educational Service has been the Professor of Physics in the Presidency College, Calcutta, from 1919;

(ii) whether he has up to now made any original contributions in Physics, or carried on any, and if so, what research work in that subject;

(iii) how many hours per week he devotes towards teaching Physics—

(1) according to the routine, and

(2) actually;

(iv) whether it is a fact that he devotes most of his attention to the subject of Statistics;

(v) whether he has received the permission of the Education Department to carry on such investigations;

(vi) whether he spends money allotted for the Physics Department and for research work in that department towards investigation in Statistics;

(vii) whether there has been a fall in the number of students in the Presidency College in B.Sc. honours and M.Sc. in Physics;

(viii) whether it is a fact that research students in Physics find but little facilities for work in the Presidency College;

(ix) whether it is also a fact that the high reputation of the College in Physics has suffered during recent years; and

(x) are the Government considering the desirability of holding an enquiry into the matter?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (i) Yes.

(ii) Yes, but the details are not available at short notice. For his research work in Physics, he was however elected a Fellow of the National Institute of Sciences of India, which was opened by His Excellency the Governor of Bengal in January, 1935.

(iii) (1) Thirteen hours per week during the period July to December and 12 hours per week during January to April.

(2) The same as above.

(iv) No; but he devotes a part of his time on statistical work.

(v) Yes.

(vi) No.

(vii) Details are not readily available.

(viii) to (x) No.

Rai Bahadur SATYA KINKAR SAHANA: With reference to answer (iv), will the Hon'ble Minister be pleased to state how many hours per week the professor devotes to statistical work?

The Hon'ble Khan Bahadur Mr. AZIZUL HAQUE: I think my friend should read the answer to question (*iii*) (*1*).

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister be pleased to state if there has been any complaint from the students or the University or from the Principal of the Presidency College about his being engaged in statistical work?

The Hon'ble Khan Bahadur M. AZIZUL Haque: Nothing of the sort.

District board chairmanship and public prosecutorship of Mymensingh.

***114. Maulvi ABDUL HAKIM:** (*a*) With reference to the reply to clause (*k*) of starred question No. 25 put by me on the 20th February, 1935, is the Hon'ble Member in charge of the Judicial Department considering the desirability of taking such steps as will prevent the two functions of the district board chairmanship and public prosecutorship of the district of Mymensingh from being combined in the same person as in the present incumbent Khan Bahadur Maulvi Sharafuddin Ahmed in the interest of efficient and successful administration of public prosecutor's functions?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether any such steps have been taken since then?

(*c*) If no steps have yet been taken what is the reason for the delay?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) to (*c*) The Khan Bahadur has been appointed the Public Prosecutor of Mymensingh on the distinct understanding that he will not again stand for chairmanship of the district board.

Government pleaders and public prosecutors.

***115. Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) whether the public prosecutors and Government pleaders get a monthly salary in addition to their daily fees for their daily works during the tenure of their respective offices;

(*ii*) whether in consideration of their monthly salaries they are to be considered as whole time Government servants as long as they are retained in their respective offices; and

(iii) whether during the tenure of their respective offices all Government servants have been debarred from seeking election as a member in any legislature under the new Government of India Act?

(b) If the answer to questions (a) (ii) and (iii) are in the affirmative, will the Hon'ble Member be pleased to state whether the public prosecutors and Government pleaders also will be debarred from seeking election in any future legislature after the introduction of provincial autonomy in Bengal?

(c) If they will not be so debarred, what is the reason for this?

The Hon'ble Sir BROJENDRA LAL MITTER: (a) (i) They get retainers in addition to daily fees.

(ii) No.

(a) (iii), (b) and (c) The member is referred to section 69 and section 307 of the Government of India Act, 1935.

Agricultural and industrial training of detenus.

***116. Mr. SHANTI SHEKHARESWAR RAY:** (a) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(i) whether a circular has recently been issued by the Deputy Inspector-General, Criminal Investigation Department, Bengal, regarding the agricultural and industrial training of the detenus;

(ii) whether it is stated in the said circular that the detenus shall be treated as mere apprentices and that no privilege as detenus will be allowed and that they shall have to cover their expenses with Rs. 20 a month;

(iii) whether it is a fact that many detenus have declined to join the training on account of the language used in the circular; and

(iv) whether it is a fact that some detenus have been taken away forcibly against their will and that their whereabouts are not known to their relatives?

(b) Are the Government considering of placing a copy of the said circular on the table?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) and (*ii*) and (*d*) A copy of the circular has been placed on the library table.

(*a*) (*iii*) No.

(*iv*) Some detenus selected for training had subsequently to be removed because of their unsatisfactory conduct. There is nothing to prevent their whereabouts being known to their relatives.

Public exhibition at Satkhira.

***117. Babu JITENDRALAL BANNERJEE:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(*i*) that there was total failure of winter paddy in the Satkhira subdivision of the Khulna district;

(*ii*) that acute economic distress prevails there;

(*iii*) that there were repeated protests from the public against an exhibition at that place; but

(*iv*) that the Subdivisional Officer opened the same on the 24th of January last with the usual ceremonies and festivities?

(*b*) Is the Hon'ble Minister also aware that the Commissioner of the Presidency Division and the District Magistrate of Khulna refused to attend the opening ceremony of the said exhibition at Satkhira on the 24th January with a view to observe mourning for the passing away of His Majesty the late King-Emperor?

(*c*) Is it a fact that gambling was allowed in the said exhibition?

(*d*) Is it a fact that the exhibition had to be closed on account of an outbreak of small-pox epidemic at Satkhira?

(*e*) Are the Government considering the advisability of taking suitable steps against the said Subdivisional Officer of Satkhira?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: (*a*) (*i*) The failure was not total, but recent reports show that in the badly affected area in Satkhira the outturn is about 3 annas.

(*ii*) There is distress in some places and steps to relieve it have already been taken.

(*iii*) A representation against the holding of the exhibition was received from one gentleman.

(*iv*) There was no formal or ceremonial opening.

(*b*) The Commissioner and the District Magistrate did not attend the exhibition on 24th January, 1936, the arrangements for a formal opening having been cancelled in view of public mourning.

(*c*) No.

(*d*) No.

(*e*) The question does not arise.

Agricultural Chemist.

***118. Dr. NARESH CHANDRA SEN GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether there is a permanent vacancy in the post of the Agricultural Chemist to the Government of Bengal?

(*b*) If the answer to (*a*) is in the affirmative, do the Government contemplate advertising the post with the object of securing the best available candidate as was done in the case of the appointment of the Economic Botanist? If not, why not?

(*c*) Is it in contemplation of the Government to make the officiating incumbent in the post permanent?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state his qualifications for such appointment and to enumerate any research paper or papers published by him in recognised scientific journals?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur:

(*b*) No. Because under the rules recruitment is made ordinarily by promotion from the Bengal Lower Agricultural Service; and there is a qualified officer for such promotion.

(*c*) Yes.

(*d*) The officer is a first class M.Sc. in Chemistry of the Calcutta University and holder of University medal. He received post-graduate training at the Institute of Science, Bangalore, for a period of 3 years. He was appointed as an Assistant in the Chemical Section in December, 1914, and promoted to the Bengal Lower Agricultural Service in August, 1921. He officiated as Agricultural Chemist for over 1 year and 7 months between 1924 and 1930, and has been acting as Agricultural Chemist since 12th October, 1934. It is reported that he has maintained a high standard of efficiency in his work throughout his service and the Agricultural Chemists under whom he has served have reported favourably on his abilities.

He has published research papers on the following subjects:—

(1) radio activity of the rocks of Kolar Gold Fields; and

(2) experiments on the improvement of the date palm sugar industry in Bengal.

The former was published in the Journal of the Indian Institute of Science and the latter in the Memoirs of the Department of Agriculture in India.

Liabilities of Primary Societies to Central Banks.

***119. Kazi EMDADUL HOQUE:** Will the Hon'ble Minister in charge of the Co-operative Department be pleased to state—

(*a*) whether statistics of liabilities of the primary societies to the Central Banks in the province and of the Central Banks to the Bengal Provincial Co-operative Bank, Ltd., have been obtained by the Co-operative Department during the period from 1932-33 to 1934-35?

(*b*) If so, will the Hon'ble Minister be pleased to give in a tabular form the following information regarding the following matters for the above period year by year respecting the Central Banks and the Co-operative Societies in the province:—

(*i*) outstanding dues of the Central Banks from primary societies showing the principal and the interest separately;

(*ii*) collection made each year during the period;

(*iii*) outstanding loans of the Central Banks to the Provincial Co-operative Bank showing the principal and interest separately year by year;

(*iv*) payment made by each Central Bank year by year towards the principal and interest;

(*v*) amount of borrowings from depositors and payment to them towards principal and interest year by year by the Central Banks; and

(*vi*) establishment cost of the Central Banks during the last 3 years, to be shown separately?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: (*a*) Yes; in such form as to permit compilation of the particulars published in the Annual Reports.

(*b*) (*i*), (*ii*), (*iii*), (*iv*), (*v*) and (*vi*) A statement incorporating such information as is available is laid on the library table. Information not included can be obtained only by special enquiry and compilation the expense of which Government regret that they are not prepared to undertake.

Bengal Veterinary College.

*120. **Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries (Veterinary) Department be pleased to state—

(*i*) how many stipends are granted every year to the students of each class of the Bengal Veterinary College;

(*ii*) what principle is followed in selecting the stipendiaries;

(*iii*) what is the number, respectively, of Muslim and non-Muslim students of each class, who were granted stipends during each of the years 1932, 1933, 1934 and 1935?

(*b*) Are the Government considering the desirability of taking steps to reserve some stipends for the deserving Muslim students of each class?

(*c*) What is the value of each stipend?

(*d*) What other concessions, besides stipends, are granted to students of the college?

(*e*) What is the number, respectively, of Muslim and non-Muslim students, who were granted such concessions during each of the years 1932, 1933, 1934 and 1935?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur:

(*a*) (*i*) Ten, four in the first year class and three each in the second and third year classes, for *bonâ fide* natives of Bengal who are not in receipt of stipends from district boards, etc.

(*ii*) The selections are made on the results of examinations.

(*iii*) A statement is laid on the table.

(*b*) By an order of January last three stipends have been reserved for Muslim students; one for each of the three classes.

(*c*) Rs. 12-8 a month.

(*d*) Reduction or remission of tuition fees in deserving cases at the discretion of the Principal.

(*e*) A statement is laid on the table.

Statement referred to in the reply to clause (a) (iii) of Starred Question No. 120, showing the number, respectively, of Muslim and non-Muslim students of each class, who were granted Bengal Government stipends during each of the years 1932-33, 1933-34, 1934-35 and 1935-36.

Year.	Class.	Muslim.	Non-Muslim.
1932-33	A	1	3
	B	..	3
	C	..	3
1933-34	A	1	3
	B	..	3
	C	..	3
1934-35	A	..	4
	B	1	2
	C	..	3
1935-36	A	..	4
	B	1	2
	C	..	3

Statement referred to in clause (e) of Starred Question No. 120, showing the number, respectively, of Muslim and non-Muslim (Bengal) students who were considered deserving and were therefore granted the concession of reduction of their tuition fee during each of the years 1932-33, 1933-34, 1934-35 and 1935-36 including the stipendiaries of the district boards, etc., who were also granted this concession.

Year.	Number of Muslim students during the session.	Number of non-Muslim students during the session.	Number of Muslims granted concession.	Number of non-Muslims granted concession.
1932-33	15	44	10	38
1933-34	18	41	15	30
1934-35	21	43	19	31
1935-36	19	52	19	45

Maulvi ABUL QUASEM: With reference to answer (*a*) (*ii*), is the Hon'ble Minister aware that selections were not made on the results of examinations, but by mere choice?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: No, Sir; that is not a fact.

Maulvi ABUL QUASEM: Is the Hon'ble Minister aware that stipends are still being granted to students who failed at examinations?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: No, Sir. We have no such information.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Record suppliers and muharrirs of the Bengal Secretariat.

36. Khan Bahadur A. F. M. ABDUR-RAHMAN: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state—

(*i*) whether there are any rules for the recruitment of record suppliers and *muharrirs* of the Bengal Secretariat;

(*ii*) whether the duties of the record suppliers and *muharrirs* have been specified;

(*iii*) if so, what are they;

(*iv*) the present scale of pay of the record suppliers and *muharrirs;*

(*v*) whether it is a fact that the starting pay of *duftries* is the same as that of the record suppliers;

(*vi*) whether it is a fact that the Darjeeling quarters and hill allowances of record suppliers are the same as those of the *duftries*;

(*vii*) whether it is a fact that the revision of the scale of pay proposed in 1924 of *muharrirs* and record suppliers is still pending;

(*viii*) the number of record suppliers and *muharrirs* promoted to the clerical service in the Bengal Secretariat from 1910 to 1925; and

(*ix*) whether the system of such promotion is still in operation?

(*b*) If the answer to (*a*)-(*ix*) is in the negative, will the Hon'ble Member be pleased to state the reasons for the same?

(*c*) Are the Government contemplating amalgamation of the two classes of posts, viz., of record supplier and of *muharrir*, under one nomenclature, viz., record clerk?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) Yes.

(*ii*) No.

(*iii*) Does not arise.

(*iv*) Record suppliers—Rs. 20—1/2—32 and *muharrirs*—Rs. 40—2/2—50 (revised scale).

(*v*) and (*vi*) Yes.

(*vii*) The question of revision was under consideration in 1927, but has now been dropped.

(*viii*) The information is not immediately available.

(*ix*) No.

(*b*) Because recruitment to the lower division of the Secretariat is made exclusively by public examination.

(*c*) No.

Certificate cases for realisation of arrears of road cess in Khulna.

37. Babu SUK LAL NAG: Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing for the Khulna district—

(*i*) the number of certificate cases instituted in the Collectorate during the period from the 1st March, 1935, to the 29th February, 1936, for the realisation of arrears of road cess;

(*ii*) the corresponding figure for 1925-26;

(*iii*) in how many cases referred to in (*i*) were body warrants issued;

(*iv*) how many were arrested;

(*v*) how many were sent to jail;

(*vi*) the total amount realised from persons, so arrested, and sent to jail; and

(*vii*) the costs incurred as expenses for keeping these prisoners in jail?

The Hon'ble Sir BROJENDRA LAL MITTER: (*i*) 1,030.

(*ii*) 1,745.

(*iii*) 321.

(*iv*) 3.

(*v*) 1.

(*vi*) Rs. 20-9.

(*vii*) Annas four only.

Unemployment.

38. Babu KISHORI MOHAN CHAUDHURI: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that the number of unemployed youths specially of the *bhadralog* class are increasing in Bengal?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the schemes or measures they have taken to solve the question of unemployment in Bengal; and

(*ii*) the number of persons that have been provided with employment by these Government measures?

(*c*) Are the Government considering the desirability of—

(*i*) not appointing persons from foreign countries and from other Provinces in India in Government services under their control;

(*ii*) enabling Bengalees only to compete;

(*iii*) opening for students studying Commerce, practical apprenticeship classes; and

(*iv*) arranging for them opportunities to serve as apprentices in various Government Commercial Institutions or in other private concerns?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: (*a*) Government have no evidence to this effect.

(*b*) (*i*) and (*ii*) A statement is laid on the Library table.

(*c*) (*i*) and (*ii*) The member is referred to the resolution moved by Munindra Deb Rai Mahasai on the same subject and the discussion thereon in the August session of 1933.

(*iii*) There are already arrangements for such classes at the Government Commercial Institute.

(*iv*) Classes held in the said Institute offer opportunities to students to get themselves articled or apprenticed.

Peripatetic weaving schools.

39. Mr. K. C. RAY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to state—

(*i*) the number of peripatetic weaving schools in Bengal;

(*ii*) the approximate number of teachers employed in the schools; and

(*iii*) the status of their services, viz., whether temporary or permanent?

(*b*) Have the Government before them any data to show whether these schools have proved useful to many poor students seeking weaving as their vocation?

(*c*) Are the Government considering the desirability of revising the scale of the teachers' pay and making their services permanent?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: (*a*) (*i*) Twenty-five, of which eight are permanent.

(*ii*) Fifty.

(*iii*) Sixteen are permanent and thirty-four temporary.

(*b*) Yes. Over 9,000 students trained in these schools have adopted weaving as a profession.

(*c*) The reply to the first part is in the negative. Proposal for the retention of the services of the temporary staff on a permanent basis is under the consideration of Government.

Road cess demand from Khulna.

40. Babu SUK LAL NAG: Will the Hon'ble Member in charge of the Revenue Department be pleased to state for the Khulna district—

(*i*) the amount of road cess demand in 1925-26;

(*ii*) the corresponding figure for 1935-36;

(*iii*) the total number of estates attached under section 99 of the Cess Act in 1925-26;

(*iv*) the corresponding figure for 1935-36;

(*v*) the acreage rates fixed for 1925-26;

(*vi*) the acreage rates fixed for 1935-36;

(*vii*) the amount of road cess realised in 1925-26; and

(*viii*) the amount of road cess realised during the period from January, 1935, to February, 1936?

The Hon'ble Sir BROJENDRA LAL MITTER: (*i*) Rs. 1,30,277.

(*ii*) Rs. 3,14,268.

(*iii*) Nil.

(*iv*) 43.

(*v*) In 1925-26 the old Cess Act was in force and the only acreage rate recognised by that Act is that determined for purposes of summary valuation under section 27 (*b*). There was no summary valuation in 1925-26.

(*vi*) In 1935-36 there has been no revaluation and it has not been therefore necessary to determine the acreage rate as defined in section 107(B)(*1*) of the Bengal Cess Amendment Act, 1934.

(*vii*) Rs. 1,17,873 out of the current demand, and Rs. 11,636 on account of arrears.

(*viii*) Separate figures for road cess are not available. The total amount of road and public work cesses collected during the period including arrears was Rs. 7,54,282.

Record-suppliers of the Board of Revenue.

41. Khan Bahadur A. F. M. ABDUR-RAHMAN: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state—

(*i*) whether there are any rules for the recruitment of record-suppliers in the heads of departments located in the Bengal Secretariat; and

(*ii*) whether the services of those record-suppliers are superior?

(*b*) If the answer to (*a*) is in the negative, are the Government considering the desirability of taking steps to declare their services as superior?

(*c*) Is it a fact that the scale of pay of the record-suppliers of the Board of Revenue is the same as that of the record-suppliers in the Bengal Secretariat departments?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) No.

(*ii*) No, except in the office of the Board of Revenue.

(*b*) No.

(*c*) Yes.

Water-hyacinth.

42. Rai Bahadur JOGESH CHANDRA SEN: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware of the experiments made by Mr. Subimal Bose of P.200, Russa Road, South, in connection with the destruction of water-hyacinth by means of a spraying solution invented by him?

(*b*) Are the Government considering the desirability of having the solution examined and experimented with a view to adopting the same for the said purpose?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: (*a*) Yes.

(*b*) Yes. Mr. Bose demonstrated his spray before the Director of Agriculture in 1934. He was then asked to carry out experiments which would provide data for estimating the cost of preparing and applying the spray, but has not yet done so.

Arrangements, however, are being made for Mr. Bose to carry out a quantitative experiment to enable the Director to estimate the cost of this method.

Ahsanulla School of Engineering.

43. Maulvi ABDUL GHANI CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that a temporary post of an assistant foreman fell vacant in the Ahsanulla School of Engineering, Dacca, about two months ago, and that it was advertised that preference would be given to a suitable Muslim candidate?

(*b*) Is it a fact that in spite of the ready availability of Muslim candidates, a Hindu, who is said to be the son of the head clerk of the school and inadequately qualified, has been taken in?

(*c*) Is it a fact that the said employee has been working as the librarian of the said school and that another man who is also a Hindu was appointed as the librarian has been carrying out the duties of the former and that the pay of the temporary assistant foreman is being divided mutually amongst the two?

(*d*) Will the Hon'ble Minister kindly state whether the former (temporary assistant foreman) completed his special practical training and obtained certificate thereof?

(*e*) Is it the prevailing rule that persons who have not completed the special pratical training are not eligible for the post of an assistant foreman?

(*f*) Is it a fact that the Muslim artisan students of the said school were not allowed to leave their class an hour earlier in spite of their prayer for the purpose though the concession was allowed to all other Muslim employees in various capacities of the said school during the month of *Ramzan*?

(*g*) Is it also a fact that the artisan students sought remedy from the Director of Public Instruction who at once wired to the Principal asking him to grant them the concession but the Principal, Mr. B. C. Gupta, threatened to do them harm if they would do such a thing again and that he would allow no Muslim artisan leave in future?

(*h*) Is it a fact that the artisan students submitted a representation to the Hon'ble Minister for the remedy of their above grievances? What action has been taken by the Hou'ble Minister on their representation?

(*i*) Is it a fact that the second clerk of the said school has been granted extension of the terms of his services three times?

(*j*) Is the Hon'ble Minister aware that he is reported as being too old and incapable of work?

(*k*) Will the Hon'ble Minister be pleased to state what was the justification for granting this man three extensions?

(*l*) Is the Hon'ble Minister aware that the question of reducing unemployment is under the serious consideration of the Government?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) Yes.

(*b*) and (*c*) Government are informed that the Selection Committee picked out two Moslem candidates both of whom, however, subsequently withdrew their applications having secured better posts elsewhere. In the circumstances the librarian, who in the unanimous opinion of the Selection Committee was the best qualified of the Hindu candidates, was promoted in this temporary vacancy and the next Hindu candidate on the list was appointed temporarily in his place. Government have no information on the other points mentioned.

(*d*) and (*e*). No.

(*f*) and (*g*) The Director of Public Instruction wired the Principal asking him to grant Moslem students permission to leave at 3-30 p.m. during the *Ramzan*. The Principal did not hold out any threats.

(*h*) Yes. But in view of the answer to (*f*) and (*g*), the question does not arise.

(*i*) Yes.

(*j*) No.

(*k*) In the interest of public service.

(*l*) Yes.

District Engineer, Pabna.

44. Mr. S. M. BOSE: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) for what length of time there has been no permanent incumbent in the post of District Engineer, Pabna;

(*ii*) the date or dates when the vacancy was advertised;

(*iii*) whether three candidates from the Punjab were purported to be appointed by the District Board;

(*iv*) if so, whether such appointments were vetoed by the Commissioner of the Division;

(*v*) whether at the time of the advertisement, the diploma A.M.I.E. (India) was recognised by Government as an academic qualification for the post;

(*vi*) whether the District Board appointed a sub-committee to consider the applications for the appointment;

(*vii*) whether the said sub-committee recommended nine of the applications excluding that of Mr. Hossain;

(*viii*) whether the Board purported to appoint one Mr. M. Hossain, A.M.I.E. (India);

(*ix*) whether on the 27th June, 1935, the Commissioner of the Division disapproved of the appointment on the grounds that the candidate did not possess the necessary academic qualification and his practical experience did not conform to the rules for the appointment of District Engineers;

(*x*) whether on the 17th September, 1935, Government approved of the inclusion of A.M.I.E. in the list of diplomas qualifying candidates for appointment as District Engineers;

(*xi*) whether the said approval was communicated by wire direct to the Chairman, District Board;

(*xii*) whether the appointment of Mr. Hossain has, from time to time, been made by the District Board temporarily;

(*xiii*) if so, on what dates were such appointment made?

(*xiv*) whether it is a fact that the Commissioner has again disapproved of the appointment of Mr. Hossain on the ground that Mr. Hossain had not the practical experience required by the proviso to rule 2 for the appointment of District Engineers; and

(*xv*) whether any qualified person has now been appointed as District Engineer?

(*b*) If the answer to (*a*) (*xv*), is in the negative, what steps do the Government propose to take in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) Since December, 1933, when the permanent incumbent went on leave.

(*ii*) The post was first advertised for a temporary appointment on the 1st May, 1934, and then for the permanent appointment on the 4th February, 1935.

(*iii*) The three selected candidates for the temporary appointment were non-Bengalis.

(*iv*) The selections were not approved by the Divisional Commissioner.

(*v*) No: but at the time of the advertisement for the permanent vacancy the inclusion of the diploma of A.M.I.E. was under consideration of Government.

(*vi*) to (*x*) Yes.

(*xi*) No.

(*xii*) Yes.

(*xiii*) From 27th May, 1935, for 4 months. From 26th September, 1935, for 4 months. From 26th January, 1936, for 4 months.

(*xiv*) Yes.

(*xv*) and (*b*) The question of appointing another person has not yet arisen as the District Board have sent a further representation to Government through the Divisional Commissioner which is now under the consideration of Government.

Mr. S. M. BOSE: With reference to answer (*a*), (*xv*) and (*xiv*), is it not a fact that the order of the Divisional Commissioner is final?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Mr. S. M. BOSE: If so, why has there been this delay in having this appointment filled up?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The matter has been referred to Government who probably retain the right of general supervision.

Mr. S. M. BOSE: With reference to answer (*a*) (*xv*) and (*xiv*), to the fact that there is no permanent incumbent since December, 1933, will the Hon'ble Minister take immediate steps so that the post is permanently filled up?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The representation made by the district board is under the consideration of Government, and Government hope to dispose of the representation before long.

Mr. NARENDRA KUMAR BASU: With reference to answer (*xi*), is it not a fact that a telegram to that effect was sent by a member of Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have no knowledge of such a telegram being sent.

Maulvi ABUL QUASEM: Has the Hon'ble Minister received any official intimation to the effect that the work of the district board is suffering in any way as a result of this temporary arrangement?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Mr. S. M. BOSE: Is it not against the rule to have a temporary incumbent going on for such a long time.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, I do not think so.

Badshahi Road.

45. Dr. NARESH CHANDRA SEN GUPTA: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the roadside lands, carved out of the Imperial Road known as the Badshahi Road from Burdwan to Ramjibanpur, is leased out to tenants?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what is the annual income derived from the leases; and

(*ii*) to whom does the income go?

(*c*) Is there any proposal for metalling the aforesaid road?

(*d*) What would be the approximate cost of metalling the road with or without a bridge over the Ajoy?

(*e*) Have the Government estimated whether the income from roadside lands leased out to the tenants would be sufficient to pay for and maintain a metalled road?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Some portions of roadside lands are leased out.

(*b*) (*i*) Rs. 496.

(*ii*) The Burdwan District Board.

(*c*) A part of the road is metalled. There is at present no proposal for metalling the remaining portion.

(*d*) The cost of metalling the road without a bridge over the Ajoy is estimated by the District Engineer, Burdwan, to be about Rs. 1,50,000.

(*e*) No.

Extension of bus route to Cossipore-Chitpore area.

48. Mr. K. C. RAY CHOWDHURY: (*a*) Is the Hon'ble Member in charge of the Police Department aware—

(*i*) that all the outlying areas of Calcutta, viz., Ballygunge, Tollygunge, Alipore, Kidderpore, Park Circus, Maniktala, Belgachia, etc., are connected with the heart of the city by direct routes of conveyance, either by tram or bus, or both;

(*ii*) that the people of the Cossipore-Chitpore area within the Corporation of Calcutta, are not served by any such routes;

(*iii*) that the people of the Cossipore-Chitpore area have to break journey, under the present system of conveyance, either at the Chitpore bridge or Shyambazar in order to reach the business quarters of Barabazar or Dalhousie Square; and

(*iv*) that this causes delay, inconvenience and additional expenses to the people out of proportion to the distance travelled?

(*b*) Is it a fact—

(*i*) that the Bengal Bus Syndicate applied to the authorities some years back to have their city bus routes extended to the Cossipore-Chitpore area; and

(*ii*) that this application was refused on the ground that the people did not want it?

(*c*) Is it a fact that several local Associations including the Route No. 32 Bus Passengers' Association, the Cossipore Road Jute Brokers' Association, etc., and a large number of the rate-payers and residents of the locality have submitted representations to the proper authorities for the extensions of the city bus routes to the Cossipore-Chitpore area?

(*d*) Is it a fact that the Bengal Bus Syndicate has also applied for extension of their service up to Cossipore-Chitpore area?

(*e*) If the answer to (*d*) is in the affirmative, are the Government considering the desirability of permitting the Bengal Bus Syndicate to extend their city bus routes up to Cossipore? If not, why not?

(*f*) Is it a fact—

(*i*) that the rates of fares under the present system of bus service in the Cossipore-Chitpore area are compared to distance, greater than those in the city proper;

(*ii*) that no facilities are offered to the passengers in this route as elsewhere in the shape of return tickets, cheap mid-day tickets or monthly tickets; but

(*iii*) that the Bengal Bus Syndicate have offered to provide for the said facilities?

(*g*) Are the Government considering the desirability of providing for such facilities to the people of the Cossipore-Chitpore area? If not, why not?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) (*i*) Ballygunge, Alipore, Kidderpore and Park Circus are connected with the centre of the city by bus and tram services: Tollygunge and Belgachia by tram services: and Maniktala by a bus service.

(*ii*) This area is not connected by any direct service with the centre of the city.

(*iii*) Yes.

(*iv*) It is possible that some inconvenience and possibly additional expense are entailed.

(*b*) (*i*) No such application can be traced by the Commissioner of Police.

(*ii*) Does not arise.

(*c*) and (*d*) Yes.

(*e*) The number of buses plying in the Cossipore-Chitpore area is adequate for the traffic offering, and the extension of city bus routes to this area has not been permitted owing to the congested traffic conditions there.

(*f*) (*i*) Not appreciably.

(*ii*) No monthly tickets are issued, but books of coupons are issued at concession rates.

(*iii*) Yes.

(*g*) No. The facilities offered at present appear to be reasonable.

Mr. NARENDRA KUMAR BASU: With reference to answer (*b*) (*i*), will the Hon'ble Member be pleased to enquire whether or not a reply was sent in the beginning of this month from the Deputy Commissioner to the Bengal Bus Syndicate saying that that extension could not be sanctioned?

The Hon'ble Sir ROBERT REID: If Mr. Basu will give me the particulars, I shall certainly enquire into it.

Mr. NARENDRA KUMAR BASU: With reference to answer (*c*), is it not a fact that the buses which ply in this area are, as a rule, always overcrowded?

The Hon'ble Sir ROBERT REID: I have no information, Sir, on that point. On the contrary, my information was that the number of buses was adequate for the traffic.

Mr. P. BANERJI: Is the Hon'ble Member aware that Cossipore Road is wider than Chitpore Road?

The Hon'ble Sir ROBERT REID: I am not aware of that, Sir.

Mr. P. BANERJI: What inconvenience is likely to be felt if the buses plying along Chitpore section were extended to Cossipore?

The Hon'ble Sir ROBERT REID: The point, so far as I understand it, is that if what are called the city services are extended and allowed to run in the suburban areas, then they add to the congestion of traffic in those areas.

Mr. P. BANERJI: With reference to answer (*a*) (*iv*), in view of the fact that some inconvenience and additional expense are entailed, will Government try to remove such inconvenience and additional expense incurred by the public in general?

The Hon'ble Sir ROBERT REID: The difficulty is that if you try to remove the inconvenience and additional expense entailed, you add to the congestion in that area which gives rise to another cause for grievance.

Mr. NARENDRA KUMAR BASU: The Hon'ble Member has just said that the buses plying on the Cossipore-Chitpore section is adequate, but is it not a fact that the buses are mostly dirty?

The Hon'ble Sir ROBERT REID: I do not know how this question arises out of that.

Bus Route No. 32 in Calcutta.

47. Mr. K. C. RAY CHOWDHURY: (*a*) Is the Hon'ble Member in charge of the Police Department aware—

(*i*) that the Calcutta Bus Association of the Route No. 32 in Calcutta has recently increased rates of fares by about 25 per cent. at each stage; and

(*ii*) that there is a feeling of agitation over the inconvenience to the people concerned?

(*b*) Is it a fact that the Bus Association obtained necessary permission of the Deputy Commissioner of Police, Public Vehicles Department, before such increase of fares?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) whether the Deputy Commissioner of Police, Public Vehicles Department, gave such permission after proper investigation into both income and expenditure of the buses; and

(*ii*) whether the Bus Association produced way-bills, etc., for examination by the Deputy Commissioner to prove the amount of their daily income?

(*d*) Is it a fact that the average daily income of each bus in route No. 32 is not less than Rs. 35?

(*e*) If no way-bills, etc., were produced, did the Deputy Commissioner rely upon the statement of the Association as to their income?

(*f*) If permission was accorded on the statement of the Bus Association, what was the statement as to their daily average income and expenditure?

(*g*) Is it a fact that in 1929-30 the fares of this route were nearly half of the present amount?

(*h*) Is it a fact that since the discontinuance of Tramway buses from this route in 1931, the rates of fares have been increased twice, once in 1931 and again in 1935?

(*i*) Is it a fact that during this period there has been an increase of fares in other routes in and around Calcutta?

(*j*) Is it a fact that the Bengal Bus Syndicate has applied to the Deputy Commissioner for permission to run buses up to Cossipore Chitpore area in route No. 32 on old rates?

(*k*) Are the Government considering the desirability of granting such permission to the Bengal Bus Syndicate? If not, why not?

The Hon'ble Sir ROBERT REID: (*a*) and (*b*) The Deputy Commissioner sanctioned a small increase in fares in respect of certain stages of the route only. Government are not aware of any feeling of agitation on the subject.

(*c*), (*e*) and (*f*) The bus-owners were not called upon to produce way-bills or other documents. The Deputy Commissioner sanctioned the increase after hearing the bus-owners and satisfying himself by personal investigation that the increase was justified with a view to the maintenance of a satisfactory standard of service.

(*d*) and (*g*) Government have no information.

(*h*) It is reported that the only increase in 1931 was to abolish cheap return tickets over 3 stages of Route 32. In 1935 the fares over the same 3 stages were increased by 3 pies in each case.

(*i*) There has been no increase of fares in other routes during this period.

(*j*) No.

(*k*) Does not arise.

Ministerial officers of Civil Courts, Bakarganj.

48. Maulvi ABDUL HAMID SHAH: Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the present time the number of ministerial officers in the Civil Courts of the Bakarganj Sadar who have been serving—

(*i*) in the same station for over five years holding the same posts;

(*ii*) in the same station for over five years holding different posts;

(*iii*) as bench clerks in the different courts for over five years; and

(*iv*) as *sheristadars* in the different courts for over five years?

The Hon'ble Sir BROJENDRA LAL MITTER: The numbers are—

(*i*) 8.

(*ii*) 47.

(*iii*) 5.

(*iv*) 4.

Civil Courts, Bakarganj.

49. Maulvi ABDUL HAMID SHAH: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether rule 1007 of the High Court Civil Rules and Orders has been followed in the Sadar Civil Courts of the Bakarganj District during the year 1935?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state the reasons therefor?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) No.

(*b*) There was no time for the full operation of the rule in 1935 as it came into force towards the end of the year.

Settlement of lands acquired for district partition of Mymensingh.

50. Maulvi ABDUL HAKIM: (*a*) Is the Hon'ble Member in charge of the Political Department aware—

(*i*) that several plots of land were acquired some years ago for the site of the headquarters of the proposed district Jamalpur in the district of Mymensingh; but

(*ii*) the scheme for the partition of the Mymensingh district has since been abandoned?

(*b*) Is it a fact that at present all those plots have been settled with persons other than the previous owners of those plots?

(*c*) If the answer to (*b*) is in the affirmative, what is the reason for not settling with the previous owners?

(*d*) Are the Government considering the desirability of resettling those plots with the previous owners on conditions on which settlement is being made with persons other than the previous owners? If not, why not?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) Yes.

(*ii*) The scheme has been in abeyance since 1922.

(*b*), (*c*) and (*d*) Such settlements as have been made are on a temporary basis of year-to-year leases for agricultural lands and building sites, on terms which permit the immediate resumption by Government should the need arise.

Settlement of acquired lands is only made with previous owners when such lands are no longer required by Government.

Rural uplift grant.

51. Babu SATISH CHANDRA RAY CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state—

(*i*) what is the total amount allotted to Bengal out of the Government of India contribution for rural reconstruction;

(*ii*) what is the amount allotted to each district of Bengal out of the same;

(*iii*) what authority in each district is responsible for the selection and the distribution of the funds for various works;

(*iv*) whether the District Magistrate has the power of supervision and control of the distribution of the fund;

(*v*) who is charged or entrusted with the distribution of the funds allotted for the district of Mymensingh;

(*vi*) under what various heads of work the money allotted to Mymensingh is proposed to be distributed showing the amount under each head;

(*vii*) whether it is a fact that in the district of Mymensingh—

(*A*) a portion of the rural reconstruction grant from the Government of India has been allotted for improvement of the homeopathic and unani systems of treatment; but

(*B*) no fund has been allotted in aid of the kaviraji system of treatment?

(*b*) If the answer to (*a*) (*vii*) is in the affirmative, will the Hon'ble Member be pleased to state the reason for the same?

(*c*) Is the Hon'ble Member aware that up to a few years back the District Board of Mymensingh was making annual contribution for the maintenance of unani and kaviraji dispensaries in the rural areas of Mymensingh?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) (*i*), (*ii*) and (*vi*) The member is referred to the answer given on the 25th of March, 1936, to a question by Maulvi Abul Quasem regarding the distribution of rural uplift grant.

(*a*) (*iii*), (*iv*) and (*v*) No one authority is responsible; the authorities vary with the schemes.

(*a*) (*vii*) (*A*) No.

(*B*) Yes.

(*b*) Does not arise.

(*c*) Government have no information.

Electricity charges in Calcutta.

Mr. NARENDRA KUMAR BASU: Sir, to-day being the last day of the session may I, before the Council breaks up, ask the Hon'ble Member in charge of Finance, Commerce, and Marine Departments, whether he has any information to give to this House regarding the report of the committee appointed some time ago to conduct an enquiry into the electricity charges in Calcutta?

The Hon'ble Sir JOHN WOODHEAD: Not at present.

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS.

GOVERNMENT BILL.

The Bengal Local Self-Government (Amendment) Bill, 1936.

Mr. PRESIDENT: We shall now take up the Bengal Local Self-Government (Amendment) Bill, 1936.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to introduce a Bill further to amend the Bengal Local Self-Government Act of 1885.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I also beg to move that the said Bill be referred to a Select Committee consisting of—

Mr. S. M. Bose,
Rai Bahadur Hem Chandra Roy Choudhuri,
Mr. Saileswar Singh Roy,
Babu Satish Chandra Ray Chowdhury,
Mr. Narendra Kumar Basu,
Rai Bahadur Jogesh Chandra Sen,
Babu Jitendralal Bannerjee,
Babu Premhari Barma,
Khan Bahadur Maulvi Emaduddin Ahmed,
Maulvi Tamizuddin Khan,
Khan Bahadur Maulvi Mohammed Basir Uddin,
Maulvi Abdus Samad,
Khan Bahadur Maulvi Hafizur Rahman Chaudhuri,
Khan Bahadur Maulvi Muazzam Ali Khan,
Mr. J. W. R. Steven,
Rai Bahadur Gris Chandra Sen, and
the mover,

with instruction to submit their report as soon as possible, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, the question of the abolition of local boards has been pending before the Government and the public since 1922. The Ministry of Local Self-Government under Sir Surendra Nath Banerjea carefully went into the matter, but did not come to any final conclusion. Since then, Government did refer this question to local officers, including Divisional Commissioners and District Magistrates, as well as to the district boards, from time to time. The local officers were unanimous on one point, viz., that the local boards should be abolished. The chairmen of district boards, however, were not unanimous. There was slight divergence of opinion amongst them. The matter was referred to the Commissioners' Conference held last year and to the Conference of Chairmen of District Boards held at the beginning of this year. The Divisional Commissioners favoured the abolition of local boards, but were in favour of indirect election through the union boards where they had been established; the majority of the chairmen of

district boards were in favour of the abolition of local boards; some, however, were against it, and the majority of them were in favour of direct election.

Sir, the principal arguments in favour of the abolition of local boards are the paucity of funds at the disposal of the local boards and that the duties that are now delegated by the district boards to the local boards can be performed by the district boards themselves and that a portion of those duties may be delegated to the union boards where they have been established. Sir, public opinion is strongly in favour of the abolition of local boards. The decision that has now been taken has not been arrived at in haste or a day too late. By the amendment of the Bengal Village Self-Government Act last year the franchise qualifications for election to local boards, where there are union boards, have already been reduced, and the qualification is exactly the same as in the union board areas. Sir, this will increase the number of voters—probably the number will be doubled. Necessarily, the cost of the elections, too, will be very large. In the majority of the districts the ballot system has not yet been introduced in local board elections, and if the ballot system is introduced, the cost will be still higher. On this ground Government decided to extend the life of the district boards from four years to five years, so that the expenditure might be distributed over a larger number of years and there being longer interval between the two general elections.

Another important point in the Bill to which I would like to draw the attention of the House is that if Government decide to abolish local boards in a particular district, they will have to consult the district board and a local board could not be abolished without the consent of the district board concerned. This provision has been introduced on the ground that there may be district boards like Mymensingh, Dinajpur, Bakarganj, the 24-Parganas, Midnapore, which, on account of their large areas, might prefer to retain local boards on administrative grounds. It may not be quite possible for them to control the work from the centre. Again, there may be other districts like Hooghly, Khulna and Chittagong, which, by reason of their defective communications, might also prefer to retain local boards on the same ground, viz., the ground of administrative convenience. Similarly, there are districts like Burdwan and Jalpaiguri with special interests within their jurisdictions for example, the coal interest in the district of Burdwan and the tea interest in the Jalpaiguri district—and they might like to retain local boards in some of their subdivisions, and it may not be desirable to abolish local boards in other subdivisions while they may be retained in some. To meet a situation like this, this provision has been made purely optional that Government and

district boards must agree before any local board can be abolished within the jurisdiction of a particular district board.

The next important proposal in the Bill is the reduction of the percentage of nominated members from one-third to one-fourth. This will meet the difficulties that might arise with regard to giving an adequate and fair representation to the areas now covered by local boards. Government, as a rule, are reluctant to increase the total number of members on district boards, because it will only make the boards unwieldy and will add to the expenditure on travelling allowance. But there may be one or two special cases where, to ensure adequate representation, it may be necessary to increase the total number of members by a few. These are some of the principal changes that we propose in this Bill.

With these few words, Sir, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: I find that there are four amendments in the Order Paper for the circulation of the Bill. Different dates have been mentioned in them, but if the members are not very particular with regard to the dates, I think only one amendment need be moved, and we should have a general discussion on it That will save lot of our time. Anyhow, I shall now call upon Maulvi Abul Quasem to move his amendment.

Maulvi ABUL QUASEM: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon before the 25th June, 1936.

Sir, we had an amendment of the Bengal Local Self-Government Act of 1885 only in September, 1933, and Government have now come forward at the fag-end of the life of the present Council to propose a very important change in the Bengal Local Self-Government Act, viz., the abolition of local boards. Sir, the local boards have existed in Bengal since the year 1885. Act III of 1885—I mean the Bengal Local Self-Government Act, 1885—was passed during the Lieutenant-Governorship of Sir Rivers Thompson. This Bill was inspired by the historic resolution of Lord Ripon's Government, and promulgated on the 18th of May, 1882. Sir, the Bengal Local Self-Government Bill of 1882 was introduced in the Council in the session of 1882-83. The history of that Bill is very interesting. There was no provision for the establishment of district boards in the Bill when originally introduced. There was only a proposal for the establishment of union committees and local boards Then, there was a very important proposal, viz.,

the proposal for the establishment of a central board which would exercise control over all local bodies and municipalities throughout the whole province. This Bill went to the Secretary of State for India, but the Secretary of State negatived the idea of a central board.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I cut short the discussion by intervening at this stage? Government are prepared to consult public opinion before the Select Committee meet, and the idea is that they should meet in July. So, in the meantime, we can consult public opinion.

Mr. PRESIDENT: Are you going to give definite instructions to the Select Committee to that effect? Are you prepared to amend your motion to that extent?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: But, Sir, the Select Committee can always do so independently of any definite instructions.

Mr. PRESIDENT: They can always do so, but the House will stand committed to the principles of your Bill. Maulvi Sahib, it is now for you to consider, in the light of what has been said by the Hon'ble Minister, if you should proceed with your amendment.

Maulvi ABUL QUASEM: Of course, if my intention is furthered by the Government's proposal, then I have no desire to waste the time of the Council, but I wish to put certain definite questions to the Hon'ble Minister, so that in answer thereto he might elaborate his proposal. My question is this: "Will the Hon'ble Minister have this Bill circulated to all local boards, district boards, all public associations and other appropriate bodies for their opinion, and will all those opinions, when collected, be printed and placed before the Select Committee?" If that is the idea, then I am prepared to withdraw my amendment.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, in answer to the question which has been put to me by Maulvi Abul Quasem, I might say that there is a list of recognised associations and public bodies to which all Bills are usually circulated for opinion, and I may say that this Bill also, following our usual practice, will be circulated to them for opinion.

Dr. AMULYA RATAN GHOSE: Sir, what is the difficulty of the Hon'ble Minister in accepting this amendment?

Mr. PRESIDENT: I do not think that casual remarks like these will serve any useful purpose. But Maulvi Sahib, it is for you to judge if the Hon'ble Minister has given you sufficient assurance or not.

Maulvi ABUL QUASEM: With your permission, Sir, may I put a question?

Mr. PRESIDENT: Maulvi Sahib, I do not think it will serve any useful purpose. If I allow questions and counter-questions to be put, the discussion may become desultory.

(Turning to the Hon'ble Minister.) What is your position? Are you going to give any definite instructions to the Select Committee to consult public opinion?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As I have already observed, Sir, the opinions, when collected, will be placed before the Select Committee, and this, I think, ought to serve my friend's purpose.

Mr. PRESIDENT: But unless definite and specific instructions are given to the Select Committee, there is no power in anybody's hands to bind down that committee to any particular line of action. I must make this clear to the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: But, Sir, Government are prepared to give that hint to the Select Committee by way of a suggestion.

Mr. PRESIDENT: Maulvi Sahib, you will now have to make up your mind as to whether the assurance of the Hon'ble Minister is quite sufficient for your purpose. If not, you can proceed with your amendment.

Maulvi ABUL QUASEM: I do not consider the assurance of the Hon'ble Minister sufficient for my purpose; so, I think I had better place my views before the House.

As I said, Sir, this proposal of the formation of a central board was turned down by the Secretary of State for India in Council. This necessitated the recasting of the Bill and, in the following year, a Bill in a modified form was presented before the Council. It was circulated for eliciting public opinion in 1884 and the Bill was brought up in the session of 1884 and was passed into law on the 4th April, 1885. About 51 years have elapsed since the Local Government Act was

passed. The local boards have existed from that date. One of the reasons stated by the Hon'ble Minister why the local boards should be abolished is that so small a fund is placed at the disposal of the local boards that they can have no useful function to perform. I think this is not true of all local boards in Bengal; the local boards have served a definite and useful purpose up till now. When the Hon'ble Minister says that there is a strong public opinion in favour of the abolition of local boards, I do not think that he is quite correct. So far as public opinion is concerned—I speak subject to correction—I think it has not unequivocally expressed itself in favour of abolition. The Statement of Objects and Reasons has definitely stated that only the local officers, Subdivisional Officers, that is to say, District Officers and the Commissioners of Divisions have been consulted and that they are unanimous that the local boards should be abolished. Of the chairmen of district boards who have been consulted at a Conference they were not all unanimously in favour of abolition and, according to the Hon'ble Minister, there was a considerable divergence of opinion amongst them.

Babu JITENDRALAL BANNERJEE: The Hon'ble Minister said slight divergence of opinion.

Maulvi ABUL QUASEM: No: "considerable" is the word that I heard the Hon'ble Minister utter.

Mr. PRESIDENT: Order, order. I will not allow the debate to degenerate into a conversation.

Maulvi ABUL QUASEM: When I am asking for public opinion and the Hon'ble Minister says that the Bill is based on public opinion, have I no right to refer to the nature of the public opinion which is said to be in favour of the Bill? Circulation means that public opinion should be consulted as to the principles involved, whether they do desire that the principle should be accepted or not. That is the only consideration. I do mean that only the chairmen of the district boards in their individual capacity have been consulted, but the district boards as such have not been consulted. If the chairmen have given their opinion, that is their individual opinion, but that opinion is not based upon the opinion of the respective boards. I am not prepared to accept the principle that the local boards should be abolished forthwith. Whatever opinion has been expressed by the chairmen, that opinion is not universally held; in my opinion—I have been a member of a local board for four years—much good work is done and carefully done by the local boards which the district boards could not do so well and satisfactorily. I therefore do not desire the abolition of local

boards forthwith. Government have made a proposal for the abolition of the local boards where the district boards want abolition. This shows that there is much hesitation in the mind of Government about abolition. If they do desire abolition so ardently, why should they leave it to the option of the district boards concerned to vote for abolition. If the Government really thought that they were causing waste of money, why do they leave it to the district board to abolish the local boards? Government should have abolished the local boards forthwith. Government themselves see that there is need for local boards in certain unwieldy and large districts; so local boards cannot be universally abolished. If the *raison d'etre* of the abolition of local boards is that union boards have been established in rural areas and that to them some of the work of local boards should be transferred, I would say that union boards have not yet been established in all parts of all the districts. Speaking for my own district, out of seven thanas in the Satkhira subdivision in three thanas only union boards have been established; there are no union boards in the other four thanas. So union boards have not yet been universally established in all parts of Bengal. First make your base sure, and when union boards have been established in all parts of the country you can then see whether the time has come for the abolition of the local boards. The Hon'ble Minister himself named certain districts where probably, in his opinion, the district boards would not desire the abolition of the local boards and he mentioned my district as one such. My idea is this: Local self-government should develop on uniform lines, through the same machinery, in every part of the province, and there should not be any difference between the different parts. If the union boards are doing excellent work and if they are universally established and if the local boards have outworn their usefulness, you should abolish the latter in all parts of Bengal simultaneously and leave no option in the matter to the district boards. There are certain districts where union boards have not been established and to ask this Council to pass a legislation entrusting the entire business of the local boards to district boards would not be a good thing at the present moment from the administrative point of view. There is no hurry or urgency about this matter and this Government and this Council are doomed to die in a year's time; this is not the time when this Council and the Government should deal a death blow to an institution which has served the province for over half a century. The decision on this question should fittingly be left to the new Council and the new Government. This is a question which, according to Government's own showing, is not of any urgency. If to-day the Bill is passed into law, to-morrow the local boards are not going to be abolished; so it is no use passing this Bill in a hurry. I should have thought that Government would have been more usefully occupied in removing the lacuna in the present Act rather than

taking up a major thing like the abolition of local boards. I would refer to the rule-making powers of Government under the present Act. So far as the election rules are concerned, much requires to be done to bring those rules up to requirements. Under sections 15 (*a*) and 35 (*a*) Government are required to make rules determining the authority which shall decide disputes relating to elections. Government have not yet framed any rules to that effect and the result has been disastrous in certain districts. Incredible things have happened. Government instead of fully discharging their obligations under the present law are promulgating a new law for which there is no immediate necessity. The present Government should rather have filled up every hole that has been discovered in the working of the Act as it is than introduce a major change for which there is no need just at present. I do not know if my views will find favour in the Council, but I would repeat that, according to Government's own version, Government do not expect that in all the districts local boards would be abolished, but that it would be the option of the district boards to abolish the local boards. Government also know that certain district boards have no desire to abolish the local boards. If this is the position, I ask this Council to wait for the enlarged Council which is coming into being and the responsible Government which will replace the present Government will be in a position to deal with the question with authority. These are the reasons why I desire that the Bill should be circulated for the purpose of eliciting public opinion thereon and I commend my motion for the acceptance of the House.

Mr. PRESIDENT: Am I to take it that the intending movers of the other three motions are not going to move their motions, but will speak on this?

(They signified their intention to do so.)

Dr. NARESH CHANDRA SEN GUPTA: I find a little difficulty in expressing my opinion one way or the other on Mr. Abul Quasem's motion and on the original motion. I do not accuse the Hon'ble Minister of haste in bringing in this measure. On the contrary, something like it but very different from it according to my idea ought to have been done long, long ago. The Local Self-Government Act as it was passed in the year 1885 did not carry out the ideas contained in the resolution of Lord Ripon. I should have thought that the proper step to take would be to remove the defects of the present local boards and not to abolish them and to keep on the district boards. Lord Ripon's resolution visualised the creation of small and manageable local boards and not of district boards. The district boards which have been constituted are, some of them at least, absolutely unmanageable. The Hon'ble Minister has referred to my district, the district of Mymensingh, where the question of a single district board administering all the affairs of a huge district is practically impossible.

The district board, if it does it, must have some agency to do it, and the union boards are not always capable of doing everything that the local boards are entrusted to do. What is the remedy? The remedy is not to abolish the local boards on paper and to retain the present emasculated, powerless and financeless local boards in Mymensingh as the Government proposes. At the present moment the local boards are a fifth wheel to the coach. They do not serve much useful purpose. With all respect to my hon'ble friend, Maulvi Abul Quasem, I would like to submit that they do not serve much useful purpose, but not because they are incapable of doing it, but because their powers and resources are so limited and they are so completely under the control of the district board. If all the local boards of Mymensingh were each constituted into a self-contained board—call it a district board or a local board—each one of them could do work much better than the central district board. For the district of Mymensingh and similar other district boards I would have suggested to the Hon'ble Minister that the right way to proceed would have been not to abolish the local boards in small districts and to retain local boards in large districts, but to constitute the local boards the only units of local self-government, everywhere. Where the districts are small you might have one local board for the entire district. That would be the proper procedure to adopt. At present the local boards are tremendously handicapped in discharging their duties. Their failings are due to the system and the existence of the district board over them leads to a large amount of red tape and a huge waste of money. If they had powers to dispose of their own funds, if they had the power of initiative, the local boards of the district of Mymensingh would have worked wonders much better than the district board. Having regard to the difficulties to which the Hon'ble Minister has referred of abolishing the local boards then follow the same procedure as has been adopted in Assam, *i.e.*, to abolish the district boards, and where the district is very small to have one central local board in that area. This seems to me the only rational solution, but that is not the purpose of the Bill. I take it that it will not be possible or admissible for the Select Committee to change the Bill so as to recommend the abolition of the district boards and the constitution of local boards as the ultimate authorities in local self-government. If that is so, it is impossible for me to vote for the motion for reference to the Select Committee. In that event my only course would be to support the motion for circulation.

Maulvi RAJIB UDDIN TARAFDER addressed the Council in Bengali, the following being a translation:—

Mr. President, Sir, the Hon'ble Minister in charge of Local Self-Government has presented before this Council to-day the Bengal Local Self-Government Bill, 1936, and he has proposed to send the Bill to

the Select Committee. I stand in opposition to this proposal, and I wholeheartedly support the amendment brought by Maulvi Abul Quasem. The Hon'ble Minister has proposed in his Bill to abolish the local boards in Bengal. But in my opinion not the local boards but the district boards should be abolished. I am connected with the district boards for many years. At present I am the chairman of a local board. The experience which I have gained in these years in connection with these local boards draws me towards the conclusion that the local board is more necessary than the district board. By perusal of this amendment brought by the Hon'ble Minister in charge, the objects of the Bill seem to be three, namely, the curtailment of the expenditure of the district board, the benefit of the public by enhancing the efficiency, and the benefit of the union boards. But in my opinion none of the objects will be fulfilled by this amendment. For, the chairman and the vice-chairman of the district boards draw more travelling allowance and the salary of the staff in those offices is higher than those in the local boards. Moreover, if the local boards are abolished, the district headquarters will have to make arrangements for repair of the roads in the remotest interior and the expenses to be incurred will be heavy. So the main object of the Bill, which seems to be economy, will be totally baffled. On the other hand, I cannot totally believe that big schemes such as road repairs, etc., will be passed over to the union boards by the district boards. The Hon'ble Minisfer has said that in the Conference held by the chairmen of the district boards, they accepted this proposal and the Divisional Commissioners and other officials have given their consent for abolition of the local boards. The Divisional Commissioners and other officials have no experience in this matter, as I believe. Most of the chairmen of the district boards are nominated members and if they stand in the election, they are to come back hopeless, only securing a very few number of votes. So depending only upon their opinions, I think such a big change should not be initiated. I hope the Government should first circulate this Bill for drawing public opinion as proposed by Maulvi Abul Quasem.

(The Council was then adjourned for fifteen minutes.)

(After Adjournment.)

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, the question before the House is whether the local boards should be abolished—or whether the district boards should be abolished. If the question was an open one, viz., whether district boards should be abolished or whether local boards should be abolished, we could have decided the question fairly and squarely. But the question here is, simply, whether the local boards only should be abolished. Sir, my own considered opinion is that the local boards should be retained. This

proposal of abolishing local boards has been the subject of resolutions year after year, and while I was a member of the Cabinet this subject also came before me." (A VOICE: It is a Cabinet secret.) I am not giving away any Cabinet secret, but I am giving you my own opinion that I consider the proposal as not worth accepting and for the following reasons: At present there are the district boards and under them there are the local boards. Over and above these bodies a new addition has been made in the shape of union boards. But union boards have not yet been established all over Bengal or even in every part of a district. So, the question of union boards does not come in at all. Further, everybody knows that union boards have a jurisdiction over four or five square miles only, whereas district boards, in some cases, have a jurisdiction over 14,000 square miles. For example, the district of Mymensingh has an area of about 14,000 square miles.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, no; the area of the district of Mymensingh is only 6,200 square miles.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: I am sorry, Sir. As my district of Jalpaiguri is 4,300 square miles, I was under the impression that Mymensingh would be at least three times the size of Jalpaiguri. However, that does not matter in the least; let it be 6,000. But can anybody even for a moment think that a body with power over four or five or six or seven square miles and looking after matters of not much importance will be able to do the work of a subdivision which is the jurisdiction of a local board? The jurisdiction of a local board extends to about 1,200 to 1,300 square miles, and there are about 100 union boards under a local board. So, if these 100 union boards are asked to look after these works in place of one local board, where will each of these union boards have the staff to do so? The local boards as they stand at present have got some staff to look after the works within a subdivision. And if you say that your union boards will do this very same work in future, can it be conjectured even in our wildest moments that these union boards will be provided with sufficient staff to look after these works? It is inconceivable that your union boards will have an engineering staff to look after sanitation in each union. If you say that there is no staff even in a union board to look after the work of engineering and sanitation and other incidental works, then how can you say that with the growth of union boards the necessity of local boards has disappeared? Sir, what is a union board? How can a union board look after the works that are now being done by the local boards? The question is what is a local board. You say that these local boards are useless and that they are doing no work. But I have many times seen chairmen of local boards quarrelling with the chairmen of district boards in a most acrimonius way and accusing them of partiality, and, therefore, it is no wonder that the chairmen

of the district boards will try to do away with their enemies and say that the local boards should be abolished. So, the chairmen of district boards, who are often at loggerheads with the chairmen of local boards, are not the proper persons, in my opinion, to be trusted in this matter. Therefore, when you see that there is discord instead of harmony, why do you keep this discord going on? You perhaps think that you can do away with this discord and establish harmony by abolishing these local boards, but my propostion is that this discord will remain as long as the local boards are not given sufficient funds to carry out the works which they wish should be done by that agency. If the district boards want to monopolise the whole show and keep everything for themselves, the local boards will certainly quarrel with them. But for that quarrel I do not think that the death penalty should be imposed upon the local boards. After all, Sir, the death penalty is the last resort that one should think of. If you say that the local boards do not pull on well with the chairmen of the district boards and even, over their heads, approach the Hon'ble Minister for Local Self-Government, then I would submit that the best remedy would be to give them more and more powers rather than to do away with them altogether. I am convinced that the local boards have been doing their duty on the right lines, and I have seen chairmen of local boards always moving about to find out how the work is going on within their jurisdictions. The question is that while he gets his travelling allowance only and no pay for supervising the work that is being done you would probably, if you employ one of your own officers, require an additional staff for the supervision. When you persuade people to do some public duty without remuneration, why do you reject their offer of service and abolish the existing system? We have often seen the chairmen of local boards more capable than the chairmen of district boards, and they have done their duty very well. Under the circumstances, I appeal to Government to consider this point of view and not to dispose of this matter hurriedly. I kept it in abeyance during my term of office; many others have also done the same. It is a hardy annual that comes to every Hon'ble Minister, and I think Sir Bijoy may also leave it to his successor to decide. It is not such a thing that it will lead to chaos if not attended to at once. I appeal to him to follow us. A gentleman says: "You are not a man to be followed, you are a rejected man," but it is not the case. I would appeal to the Hon'ble Minister to consider (when probably this is but the last time that we are meeting in this Council) whether it is wise to abolish the system which has been in existence for upwards of 50 years. The real point is whether the present system of local boards is working satisfactorily. Except in Bengal you do not find district boards with such big jurisdiction, but local boards you find everywhere. So if you really intend to improve the system of local self-government, the best for you is to tackle that problem in a statesmanlike manner—not by abolishing the local boards. The effect of

such abolition, as Mr. Rajib Uddin Tarafder has rightly said, will be that any work which is being carefully looked after by a man of the subdivision will have to be supervised by a man coming from a distance of 40 or 50 miles and thus the cost of supervision will be doubled. That is one of the points you must consider; you must not do anything in haste. Of course, I know the effect of my speech will be nil, and this Bill will be passed into law. Unfortunately, a lot of things are being done now for which my friends will have to lament—repent later on. All the mischief that has been done can be rectified if you abolish the whole thing, although I know it will be difficult for the next Council to revive the entire machinery. So I say, let it remain in abeyance, do not dispose it of. If the next Council decides to abolish the local boards, they will do it; but you should not destroy these agelong institutions in a hurry.

Then some of my friends have said that the opinion of the local bodies have been taken and they have agreed to abolition. But I think that opinion has not been taken in a proper way, and if the majority of opinions are against it, the whole thing ought to be dropped.

Babu JITENDRALAL BANNERJEE: I beg to record my strong and emphatic opposition to the motion that has been moved by Maulvi Abul Quasem. I shall begin by exposing some of the ridiculous and inaccurate statements of facts which have been made in the course of this debate. Maulvi Abul Quasem said in one part of his speech that there was great and wide divergence in the opinions of the chairmen of district boards, and he fortified himself by quoting the authority of the Hon'ble Minister. Evidently, the Hon'ble Minister was suffering from a slight lapse of memory when he made that remark. In any case, as a chairman who was present and had taken part in the deliberations of the Conference, I can assure all concerned that, though there was divergence between the chairmen, this divergence was of the slightest dimension. It is incorrect to say that there was great and serious divergence. Out of the 25 district boards of Bengal 23 were represented in the Conference; and of these 23 chairmen not more than three were against the abolition of local boards, the remaining 20 were emphatically in favour of abolition. East Bengal in a solid block was for abolition; all the Muhammadan chairmen of district boards were for abolition; North Bengal in a solid block was in favour of abolition; only some few district boards of West and Central Bengal offered a faint and half-hearted opposition, and even that opposition died away before the emphatic expression of opinion of the majority of the chairmen of district boards.

Then, again, Maulvi Abul Quasem said that the chairmen had been consulted in their personal and individual capacity. That also is a

wildly inaccurate statement. The chairmen were not consulted simply in their personal and individual capacity. Before the chairmen came to the Conference, printed instructions were issued from the Local Self-Government Department to every district board in Bengal saying that a special meeting of the board should be called—not an ordinary meeting—a special meeting of the board should be called for the purpose of discussing two and only two questions, namely, the question of water-supply and the question of the abolition of local boards. In accordance with that printed circular, special meetings were held practically of every district board in Bengal. There may have been exceptions here and there, but such exceptions were few and far between. Consequently, the chairmen who came to attend the Conference were fortified with the opinion of their district boards and had full power to express their opinion in each case. I know that in some cases the chairmen had to express an opinion which was not their own, because that was their mandate from the district board which they represented. In my own case I was in favour of indirect election to district boards; but my board overruled my opinion and, in accordance with their mandate, I had to give my vote and I did so in favour of direct election.

I must confess that I am largely in agreement with some of the views expressed by Dr. Naresh Chandra Sen Gupta, but Dr. Naresh Chandra Sen Gupta has, in a manner, accepted the principle of the amending measure which the Hon'ble Minister has brought forward. Dr. Naresh Chandra Sen Gupta said that he was for avoiding the duplication of machinery, and that is precisely the object of the present measure No doubt, Dr. Sen Gupta went further forward and said that he would like to accentuate the importance of the local boards and to abolish the district board. But his great point was avoiding the duplication of machinery. In fact, that is the evil feature of the present system. The present system, with its double machinery of local boards and district boards, might have had its use in the past—but I shall deal with that question later on.

Mr. Rajib Uddin Tarafder spoke much about crippling the power of the local boards and increasing the power of the union boards. As a matter of fact, there is no question of crippling the powers of the local boards at all. What powers do the local boards possess now? Nothing, they are merely the delegates and agents of district boards; they exercise just so much power as the district boards delegate to them. There is no question of rivalry, there is no question of conflict of jurisdiction, and there is no question that the power of the district boards should be increased at the expense of the power of the local boards. The powers of the district boards remain entire and intact; the local boards do not take off from these powers, and the

powers.. Mr. Rajib Uddin Tarafder is entirely mistaken in supposing that as a result of this measure the power of the district boards will be increased even by an inch.

Nobody takes Nawab Bahadur Musharruf Hosain seriously in this House. He is a privileged person, a sort of licensed jester of the House!

Nawab MUSHARRUF HOSAIN, Khan Bahadur: On a point of order, is he right when he says so?

Mr. PRESIDENT: Should you not take it as a joke?

Babu JITENDRALAL BANNERJEE: Sir, it is a great compliment I am paying to the Nawab Sahib.

Mr. PRESIDENT: You need not spoil the joke by carrying it too far.

Babu JITENDRALAL BANNERJEE: One of the funniest things that the Nawab Sahib said to-day was that there was natural enmity between the district boards and the local boards, or rather not so much between the district boards and local boards as between the local boards and the poor chairmen of district boards—as if they were the rival co-wives of an imaginary husband. Where the Nawab Sahib gets his ideas from I do not know; his experience must be unique of its kind.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: On a personal explanation, Sir.

Babu JITENDRALAL BANNERJEE: It was possible for enmity to subsist between rival and collateral bodies. But when one body is entirely subordinate to the other, where one body merely carries out the mandates of another, where one simply distributes the other's grants or executes the orders of the other body, where is there any room for rivalry, opposition, or conflict of interests in such a case? I hope the Nawab Sahib will be able to explain his position afterwards, on some more suitable opportunity. The Nawab Sahib gave vent to some supremely novel ideas in this connection. I shall not speak about his exaggerated notion concerning the dimensions of the Mymensingh district—that may be flattering to the people of Mymensingh. He has also said that there is no district board in Madras—another notable discovery on the part of the Nawab Sahib!

Nawab MUSHARRUF HOSAIN, Khan Bahadur: So far he has been misrepresenting me. You are aware that I said that in Madras there are district boards in one district numbering three to four,

Babu JITENDRALAL BANNERJEE: I can understand English, but I do not always understand what the Nawab Bahadur says. However, I will leave the Nawab Bahadur aside for the present.

Sir, Mr. Abul Quasem has shed tears over the approaching extinction of the local boards and has been very sentimental and pathetic on the subject. But there is hardly any justification for such a lachrymose attitude. There is no idea of minimizing the work or worth of these institutions; the only point is that they have outgrown their old usefulness. The local boards under the present system serve twofold purpose. In the first place, they act as agents of the district boards, and in the second place they serve as a sort of jumping-off ground for election to the district boards. As a matter of fact, you cannot be a member of the district board unless you go through the local board. These are the two functions which local boards perform—first as agents of the district board and secondly as a jumping-off ground for election to the district board. Now, what are the powers which they exercise? In most districts, their only power is to supervise the repairs effected on *kutcha* roads. That is all. In some of the districts, the work of looking after water-supply is also delegated to them, while they exercise a sort of perfunctory jurisdiction over union boards. Of course, they have no funds of their own; the only funds which they have are allocated to them by the district board; and with these meagre resources, they potter along as they can. And the only question is—is it worth while continuing with these effete bodies with their truncated powers and mutilated resources? This is not a question of sentiment, it is a question of practical utility. Before 1920, there might have been, nay, there was, some justification for the existence of local boards. But since 1920 the situation has been changed altogether. Since 1920 the union boards have come into existence, and these union boards are likely to be far more efficacious than the local boards ever had been or ever could be, partly because their jurisdiction is confined to smaller areas, partly because they have been given large and effective powers of taxation and administration, and partly because their members are far more conversant with the needs of their locality. It has been said that there are large areas in Bengal which are not covered by union boards. To that my answer would be—Establish union boards where there are none. But let not the members of this House forget that the union boards do cover, now, at present, more than 4/5ths of the area of Bengal. There are more than 4,700 union boards in Bengal; more than 80 per cent. of the area, more than 90 per cent. of the population are covered by the union boards. Therefore, the practical difficulty which my friend, Mr. Rajib Uddin Tarafder, anticipates will not arise at all.

I shall once again revert to the idle story that the district boards do not represent the local boards. As a matter of fact, the very same set of persons are both members of local boards and members of district boards. At present there are 450 elected members in the district boards of Bengal and all these elected members have to come through the medium of the local board. They are first members of the local boards and then members of the district boards. Consequently, there is no difference whatever, and no room for antagonism between the members of district boards and the members of local boards. Therefore, when the district boards voted for the abolition of local boards, it was practically the members of the local boards who were voting for their own abolition. It is not the district boards that passed sentence of death upon the local boards, it was rather the local boards that passed sentence of suicide upon themselves. And they did for the best possible reason. They knew that the abolition of the local boards did not mean the abolition of their own career of usefulness; they knew that they would render the same service to their country in future as they had been doing in the past—only their effectiveness would be greater, their power of service would be enhanced.

Mr. Rajib Uddin Tarafder has said that the opinions of officials do not matter, because they are officials; the opinions of the chairmen do not matter, because presumably they are non-officials; the only opinion which mattered was the opinion of men like Mr. Rajib Uddin Tarafder who are chairmen and vice-chairmen of local boards! Sir, the only people who would suffer by the abolition of local boards would be the few men who now act as chairmen and vice-chairmen of these bodies. None else will suffer in the province, not even the members of the local boards, because they will be members of the district boards in future. The work will be better done and more efficiently controlled; but the poor chairmen and vice-chairmen of local boards will be no more! What a dreary prospect for Mr. Rajib Uddin Tarafder to contemplate!

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I do not think I need take long in answering the arguments advanced by Maulvi Abul Quasem in support of his motion. His first point was that the district boards as a body were not consulted and the opinions of the chairmen were opinions in their individual capacity. I would place before you the letter of Mr. Drummond, dated the 7th May, 1926, in which the Commissioners of Divisions were requested to submit their opinion on this proposal after consulting the District Officers and the district boards of their divisions. The opinions of all the district boards were therefore obtained. I shall now read out some of the opinions of the district boards. Mr. Clayton, Commissioner of the

Dacca Divisions, says that in view of the decision not to split up more unwieldy districts for other purposes, it would be within the power of Government to create only one board, and the District Boards of Mymensingh and Bakarganj are in favour of the abolition of the local boards. Mr. Philpot, District Magistrate of Dacca, said that the District Board of Dacca which was consulted in the matter was in favour of the abolition of the local boards. Mr. Twynam, District Magistrate of Mymensingh, writes that there is a consensus of opinion that the local boards should be abolished. Mr. Burrows, District Magistrate of Faridpur, writes that his district board is in favour of the abolition of the local boards. Mr. Marr, Commissioner of the Rajshahi Division, writes that nearly all the district boards in his division are in favour of the abolition of the local boards as soon as union boards have been established over the whole area. I need hardly say that practically in every district union boards have been established over the whole area. As regards the District Board of Khulna of which Mr. Abul Quasem is a member and other district boards in the Presidency Division, the District Boards of Murshidabad and Khulna were in favour of the abolition of local boards in the area where union boards had been established. (A VOICE: When was that opinion obtained?) This opinion was obtained in 1927. The district boards were consulted and they as a body gave opinion in favour of the abolition. Therefore, there is no force in the argument that the district boards were not consulted. As has been pointed out by Mr. Jitendralal Bannerjee, the local boards have no separate power. Whatever power they enjoy are delegated by the district boards. They have no separate fund either, and their staff is really the district board staff placed at their disposal. It was stated by the majority of the chairmen at the Conference held in January this year that they had to find work for the local boards, they had got to create work for the local boards, and they considered the local boards as absolute superfluity in the machinery of local self-government. Mr. Jitendralal Bannerjee was perfectly right, and I am grateful to him for having corrected me that out of 25 chairmen of district boards who attended the conference certainly 22 were in favour of the abolition of local boards and the remaining 3 who opposed it did so half-heartedly, and the resolution which was adopted was practically unanimous. Public opinion has been consulted fully. The question has been pending before the public since 1922 and at least four or five times the opinions of the district boards and the local officers were consulted. During the last two years, wherever I had been in the mufassal, the members of the union boards and the general public urged the abolition of the local boards. I remember in Bogra I met at least 400 to 500 people representing the rural area, most of whom were members of union boards. They all urged the abolition of the local boards. In fact, there was a conference held

at Bogra, and a resolution to the above effect was passed. I think Government are fully justified in coming to the conclusion that public opinion was strongly in favour of the abolition of local boards. As I stated, if we could place more funds at the disposal of local boards, probably it would have been worth while to retain them, but that is not possible without depleting the finances of the district boards considerably and without crippling them. Dr. Naresh Chandra Sen Gupta and one or two other members suggested that there should be decentralisation, and instead of abolishing the local boards the district boards should be abolished. But I do not think that that opinion is generally favoured by the public in the province. The public opinion was consulted on the question of the abolition of local boards and the view expressed by my friend Dr. Sen Gupta was never put forward by the public. With these few words I oppose the motion.

Mr. NARENDRA KUMAR BASU: Sir, I would like to say a few words on behalf of the uninitiated public. From the speech of my friend Mr. Jitendralal Bannerjee one thing seemed to be clear—that the present system does not conduce to efficiency. That being so, the question arises which is the better system: that which is propounded by the Government in this Bill with the consent or rather with the agreement of the chairmen of the district boards, or the other one that was suggested by Dr. Naresh Chandra Sen Gupta and hinted at by Mr. Jitendralal Bannerjee? From Mr. Bannerjee's speech I understood that he is distinctly of opinion that in order to efficiently carry on the work of local self-government in the districts, it is necessary to have small homogenous bodies with funds and powers. The Hon'ble Minister has stated that public opinion has been taken on several occasions on the proposal to abolish local boards and that public opinion is almost unanimous. But he has not been good enough to say whether along with this proposal the other alternative was put before the public consulted whether they would rather have these local boards with more power and more money and independent of any other body than carry on with the district boards. Sir, it seems to me that so far as the district boards are concerned they are really almost all of them huge bodies. In my own district, the district board has 30 members, and to ask a body of that size to carry on any executive work or to give that attention to the needs of the different parts of the district which lie away from the home-town or home-village of each individual member of the board is something which is not quite reasonable, and I would rather have the two alternatives placed before the people of this province that they be asked to consider these two questions: whether to abolish the local boards as they now stand, bodies without power, bodies without money, bodies without resources—something like the juridical definition of a

"corporation"—or will they rather abolish the district boards and have "subdivisional district boards" directly below the Ministry of Local Self-Government? I should think that, as Mr. Jitendralal Bannerjee has pointed out, the union boards are doing wonderful work, and why? Because they are on the spot and clothed with authority and they have got money. If for the needs of every subdivision there is a local board with full powers, and with money, and it confines its attention to the needs of the subdivision, which is certainly a much smaller area, and if the number of members of each local board is very much smaller than that of district board, then I should say, after hearing the various speeches, that the idea conveyed to my mind is that that is an idea which should be considered very seriously not only by this Council, but also by the people outside. As this question is not, in my submission, within the scope of the Bill, and by referring the Bill to Select Committee, we accept the principle of abolishing the local boards, I think, Mr. Quasem's amendment should be supported. Sir, I do not think that I would be betraying a secret when I say that having been a member of a district board for several years now, I find it very difficult to follow the proceedings at times when 25 or 30 members are all talking at the same time, and the poor chairman of the board can hardly keep order—nothing like you, Sir, here. (Applause.) As a matter of fact, I have had to make a present of a wooden mallet to him, so that he might keep order!

As for the Hon'ble Minister's remarks about what he heard in the course of his tours, I think the illustration he gave was singularly unfortunate. He gave the example of Bogra. Sir, Bogra is a district which has no subdivision. So, why have a local board as well as a district board there? Certainly, there is a case for the abolition either of the local board or of the district board, but which, it does not matter. I submit, therefore, that, on the whole, I am inclined to support the amendment of my friend Maulvi Abul Quasem for circulating this Bill.

Maulvi Abul Quasem's amendment that the Bill be circulated for the purpose of eliciting public opinion thereon before the 25th June, 1936, was then put and a division taken with the following result:—

AYES.

Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kishori Mohan.
Essanji, Maulvi Nur Rahman Khan.
[illegible], Maulvi Muhammad

Ghose, Dr. Amulya Ratan.
Hoque, Kazi Emdadul.
Hossain, Nawab Musharruf, Khan Bahadur.
Quasem, Maulvi Abul.
Sen Gupta, Dr. Naresh Chandra.
Tarafder, Maulvi Reaib Uddin.

NOES.

Ahmad, Khan Bahadur Maulvi Emaduddin.
Ali, Maulvi Hassan.
Bai, Rai Sahib Lalit Kumar.
Bai, Rai Bahadur Sarat Chandra.
Bannerjee, Babu Jitendralal.
Barma, Babu Premhari.
Basiruddin, Khan Bahadur Maulvi Mahammed.
Basu, Babu Jatindra Nath.
Basu, Mr. S.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Choudhury, Maulvi Yousef Hossain.
Chowdhury, Maulvi Abdul Ghani.
Chowdhury, Haji Badi Ahmed.
Das, Babu Gurupresad.
Faroqui, the Hon'ble Nawab Sir Mohiuddin, of Ratanpur.
Gilchrist, Mr. R. N.
Graham, Mr. H.
Griffiths, Mr. Charles.
Guha, Babu Pratulla Kumar.
Guha, Mr. P. N.
Hakim, Maulvi Abdul.
Haldar, Mr. S. K.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hogg, Mr. G. P.
Hooper, Mr. G. G.
Hossain, Maulvi Muhammad.
Hossain, Maulvi Latafat.
Jenkins, Dr. W. A.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Abi Abdulla.
Khan, Maulvi Tamizuddin.
Kindersley, Mr. J. B.
Mitter, Mr. S. C.
Mullick, Mr. Mukunda Behary.
Nag, Rev. B. A.
Porter, Mr. A. E.
Rahman, Khan Bahadur A. F. M. Abdur.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Ray Chowdhury, Babu Satish Chandra.
Reid, the Hon'ble Sir Robert.
Roxburgh, Mr. T. J. Y.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Sahana, Rai Bahadur Satya Kinkar.
Samad, Maulvi Abdus.
Sen, Rai Bahadur Gris Chandra.
Steven, Mr. J. W. R.
Stevens, Mr. H. S. E.
Woodhead, the Hon'ble Sir John.

The Ayes being 12 and the Noes 53, the amendment was lost.

The question that the Bengal Local Self-Government (Amendment) Bill, 1936, be referred to a Select Committee was then put and agreed to.

Mr. PRESIDENT: I shall now take up the amendments with regard to the personnel of the Select Committee.

Maulvi ABDUL HAKIM: Sir, I beg to move——

Mr. PRESIDENT: Maulvi Sahib, have you received the consent of Dr. Naresh Chandra Sen Gupta?

Maulvi ABDUL HAKIM: Yes, Sir.

I, therefore, beg to move that after the name of Rai Bahadur Gris Chandra Sen, the following names be inserted, namely:—

Dr. Naresh Chandra Sen Gupta, and

Maulvi Abdul Hakim.

The amendment was put and lost.

The motion "that the Bengal Local Self-Government (Amendment) Bill, 1936, be referred to a Select Committee consisting of—

Mr. S. M. Bose,

Rai Bahadur Hem Chandra Roy Choudhuri,

Mr. Saileswar Singh Roy,

Babu Satish Chandra Ray Chowdhury,

Mr. Narendra Kumar Basu,

Rai Bahadur Jogesh Chandra Sen,

Babu Jitendralal Bannerjee,

Babu Premhari Barma,

Khan Bahadur Maulvi Emaduddin Ahmed,

Maulvi Tamizuddin Khan,

Khan Bahadur Maulvi Mohammed Basir Uddin,

Maulvi Abdus Samad,

Khan Bahadur Maulvi Hafizur Rahman Chaudhuri,

Khan Bahadur Maulvi Muazzam Ali Khan,

Mr. J. W. R. Steven.

Rai Bahadur Gris Chandra Sen, and

the mover,

with instruction to submit their report as soon as possible, and that the number of members whose presence shall be necessary to constitute a quorum shall be five," was then put and agreed to.

Mr. PRESIDENT: Gentlemen of the Council; before the Council is prorogued, I should like to thank you all, individually and collectively, for the uniform courtesy and help that I have received from you during the present session. I would, also, like, with the permission of this House, to send the following message to Their Excellencies the Viceroy and Lady Willingdon:—

"The Bengal Legislative Council, on the eve of its prorogation, wishes Your Excellency and Lady Willingdon *bon voyage* on your

departure from the shores of India. We are sure that Your Excellencies will not forget India and will always continue to evince lively interest in her welfare and progress. We wish Your Excellencies long life and still greater prosperity."

Gentlemen, I shall be extremely grateful if you will please rise in your places to signify your consent to this message being sent to Their Excellencies.

(The members rose in their places.)

Mr. PRESIDENT: Thank you, gentlemen.

Prorogation.

Mr. PRESIDENT: I have it in command from His Excellency the Governor to declare that the Bengal Legislative Council stands prorogued.

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(Official Report.)

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